

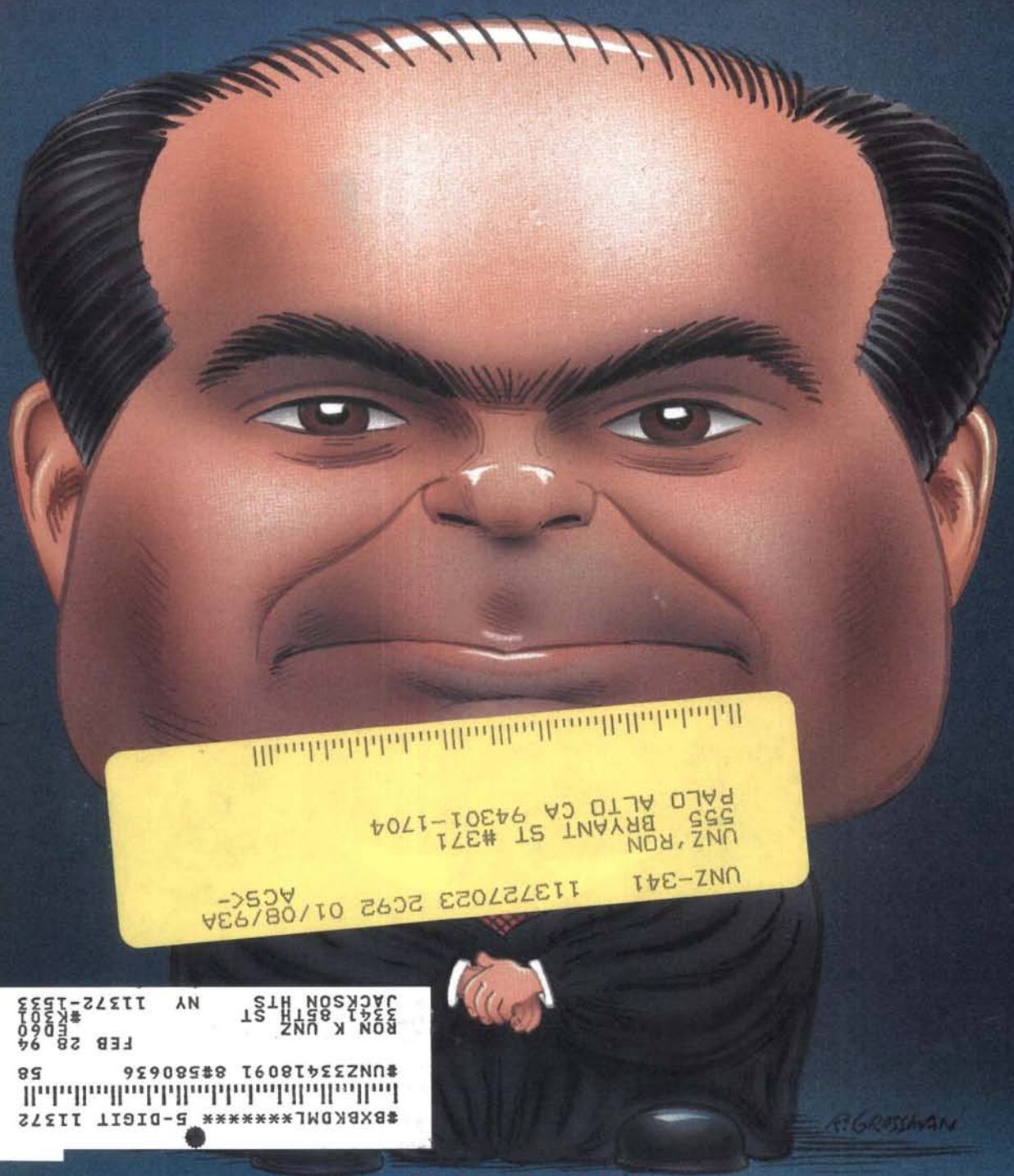
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THE LEADER *of the* OPPOSITION

by Jeffrey Rosen



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Where We Stand

By Albert Shanker, President
American Federation of Teachers

Raising Expectations

Getting into high school is no big deal for any of our students. It's a question of spending eight or nine years in school and being promoted into ninth grade. But for youngsters who wanted to attend Jersey City High School in 1885, it was a different story. They had to pass a tough exam requiring detailed knowledge of geography, American history, grammar and math. We can get an idea of what they had to know from 40 exam questions that were reprinted in the *Wall Street Journal* (June 9, 1992). Here are a few:

Algebra: I. Define algebra, an algebraic expression, a polynomial. Make a literal trinomial....VI. Expand each of the following expressions and give the theorem for each: $[a+4]^2$, $[a^2-10]^2$, $[a+4][a-4]$.

Arithmetic: VIII. A requires 10 days and B 15 days to do a certain piece of work. How long will it take A and B working together to do the work? IX. By selling goods at 12 1/2% profit a man clears \$800. What was the cost of the goods, and for what were they sold?

Geography: I. What is the axis of the earth? What is the equator? What is the distance from the equator to either pole in degrees, in miles? Why is it warmer at the equator than near the poles? II. Name four principal ranges of mountains in Asia, three in Europe and three in Africa.

Grammar: VII. Write the declension of [a] bird, [b] man, [c] fly, [d] fox, [e] it. VIII. Write four lines of poetry, giving particular attention to the use of capitals, and to punctuation.

U.S. History: V. Name three events of 1777. Which was the most important and why? . . . X. Name three commanders of the Army of the Potomac. In what battle was "Stonewall" Jackson killed?

The point of the article is to show the inferiority of our schools to ones from the Good Old Days "despite a decade of educational reforms." Of course, as the *Journal* admits, most eighth graders in 1885 did not go to high school. Nevertheless, the exam raises some interesting issues.

For example, though we can't expect all eighth graders to achieve at levels that were reached by fewer than 10 percent in 1885, what about the top 10 percent (or 5 or 3 percent) of current eighth graders? Could they pass the Jersey



When kids in Jersey City were taking this exam, children in other industrialized nations were struggling with similar ones. There, too, only a small elite passed and went on to high school.

City exam? Could the top 3 percent of kids leaving high school and entering—or even graduating from—college handle it? The answer is probably, *no*.

But would we even want them to? Ideas about how children learn and what they should know have changed a good deal since 1885. For example, grammar question VII asks students to "write the declension of bird, man," etc. Few people now would consider that important. You don't need to be able to decline a noun or pronoun to write a good paragraph. On the other hand, we'd also have to admit that, whatever you do need, most of our kids don't have it. The same goes for an understanding of history.

The Jersey City questions are heavy on facts and dates, and this approach may not lead to a real understanding of history. But do our students, many of whom cannot say what the Declaration of Independence is or when the Civil War took place, have a real understanding of history?

One hundred years ago, when kids in Jersey City were taking this exam, children in other industrialized nations were struggling with similar exams. There, too, only a small elite passed and went to high school. After World War II, most industrialized nations decided that all students should go to, and graduate from, high school. This was a turning point. In the U.S., we felt that, to keep all our students in school, we had to radically lower our standards. Now, we have almost no standards. Other countries put out the word that students must be educated up to existing standards. Undoubtedly they had to lower their expectations, but achievement in Germany, the Netherlands and France is still close to what it was for the elite many years ago, while here, even the elite no longer does very well.

Though other countries, with their elitist and even aristocratic traditions, decided that all their students could achieve at high levels, we showed no such faith in American youngsters—despite our democratic and egalitarian heritage. And the decisions turned out to be self-fulfilling prophecies: Both the U.S. and these other countries got what they expected from their students. But our kids are not dumber than children in other countries. The problem is not with them but with what we expect of them. It's high time we rethink it.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W. Washington, D.C. 20001. © 1992 by Albert Shanker.



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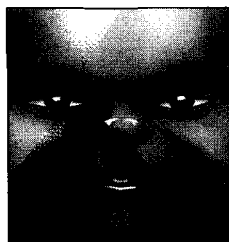
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CORRESPONDENCE

Lessons of District 4

To the editors:

Anyone who knows anything about schools—and knows nothing about District 4 in New York City's East Harlem—could immediately see from Billy Tashman's sour account ("Hyping District 4," December 7) that District 4 must really be a remarkable inner-city school district, regardless of hype. District 4's improvement in reading scores, according to Tashman, is based on "middle-class kids recruited into the district." But how come middle-class kids go to District 4? There are just about none in the District itself. And are they "recruited" (if so, what's the attraction aside from good schools?), or do they seek it out? Tashman quibbles that District 4 is still below the citywide average in reading scores. What do you expect from one of the poorest districts, close to 100 percent minority, in the city? He complains that District 4 gets money from the federal government under a program "for minority schools that attract white students." But the same opportunity is open to any other poor minority

district. The difference is that District 4 does "attract" white students. He complains that Debbie Meier can select her students. So can the directors and teachers of most of the schools in District 4. But District 4 does, as any public school district must, find a place in its schools for all its students.

He tells us students are attending more regularly. That probably means as much as test scores. He concedes that District 4's schools are better, because it has "created small schools where classes are small and teachers can actually follow their students' progress." And he could have added, because teachers can create their own schools and programs, and select, to some extent, the students that would profit from them. That seems pretty good to me. When one adds that middle-class white students of surrounding areas of Manhattan want to go to these schools—and not because anyone is forcing them, but because they find them better—that seems miracle enough for me, and Sy Fliegel has good enough justification to title his forthcoming book *Miracle in East Harlem*.

NATHAN GLAZER

Cambridge, Massachusetts

To the editors:

Billy Tashman was right on the mark. I was an assistant principal in District 4 for

more than twenty years. I was in the district at the inception of the "great miracle." District 4 was always overbudgeted. The alternative schools were permitted to be selective in choosing both student population and the majority of the staff. Those who could not make an alternative school were sent to the regular schools. They had no choice.

The press and the believers never truly investigated what was happening or what the statistics really showed. Teachers and supervisors who attempted to say something were ignored. Even the unions were part of the scam. Here are some quotes from an interview with Sy Fliegel (*Boston Globe*, May 23, 1982). "Having small schools has also eliminated the need for assistant principals, clerks and other support personnel." "Teacher directors are given significant control over selecting their staff members." "One index of the popularity of the alternative schools... is the district administration's ability to bend and even violate rules in the union contracts of teachers and supervisors."

Is Deborah Meier's school evaluated in the same way as Junior High School 99? Can P.S. 109 control its student population in the same way as Central Park East? Schools of choice may work, but don't use District 4 as the model.

ROBERT J. KINGSLEY

NYC Association of Assistant Principals
Staten Island, New York

To the editors:

In "Hyping District 4" Billy Tashman rightly takes writers to task for failing to check questionable educational statistics. But Tashman himself failed to check an important fact: *Catalyst* magazine never reported that 84 percent of students in the East Harlem district were graduating from high school. That "astonishing" statistic appeared in the April 1992 newsletter of Business and Professional People for the Public Interest. Like Tashman, we assume it is inflated.

Catalyst also knew better than to repeat widely circulated claims that the proportion of District 4 students reading at or above grade level had soared to 64 percent. Indeed, we had long questioned New York City's reading test scores, suspecting they suffered from some of the distortions Tashman mentions and some he doesn't.

However, we agree that the progress District 4 has made is due mainly to its creation of small schools, not to its program of choice; we published that story in 1990. The district spent eight years creating such schools before instituting choice, a fact that voucher advocates rarely mention when hailing East Harlem.

LINDA LENZ
Editor, *Catalyst*
Chicago, Illinois

"An important contribution to the movement for individual rights, including women's rights."

—Nadine Strossen, president, ACLU

Rejecting critics who would have feminists embrace collectivist or coercive approaches to social issues, Joan Kennedy Taylor calls on feminists to celebrate and re-emphasize their commitment to individualism and equal rights. She offers a challenging modern perspective, rooted in feminist tradition, on the issues of the '90s, from sexual harassment to pornography to comparable worth.

Reclaiming the Mainstream: Individualist Feminism Rediscovered

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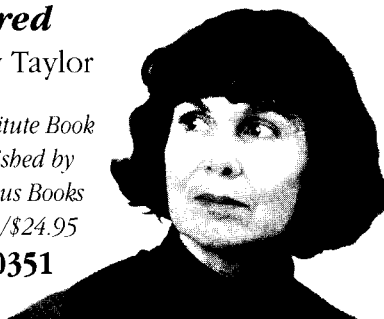
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Billy Tashman replies:

Linda Lenz is "astonishingly" wrong. The nonexistent 84 percent graduation rate she disputes appeared in the April 1992 issue of *Catalyst* on page 17 as a statement of fact and without attribution.

Dog callers

To the editors:

In "Speed Dialer" (December 14) Malcolm Gladwell portrays the supposed benefit of the new Caller ID technology—shifting power "from the caller to the called"—but fails to mention the dark side of the change.

Who benefits from a design that identifies telephone numbers? Chiefly businesses. When callers make what they assume is an anonymous call for information, they may actually provide unintended data for a marketing campaign. For many years the phone companies have offered Caller ID and reverse telephone directories to companies that use 800 number service. Now they want to offer the service to everyone.

Caller ID identifies merely the number from which the call was placed, not the person placing the call. The problem is that there are many cases where callers object not to being identified but to giving out the number from which they are calling. A psychiatrist calling a patient from home or a battered wife calling from a shelter to speak to her children does not want to be called back by an obsessive patient or abusive husband. A simple alternative would be to allow callers to record a two-second pre-message identifying themselves; many people already use their answering machines to perform a similar function. Such a technique would identify the callers and would work even if they called from a different telephone.

The nominal justification for Caller ID—tracing harassing phone calls—is a red herring. The electronic switching systems required to implement Caller ID also allow Call Tracing. The recipient of a harassing phone call can leave the burden of dealing with the offender where it currently sits, with the phone companies and law enforcement agencies.

LESLEY KALMIN

TODD NEWMAN

Palo Alto, California

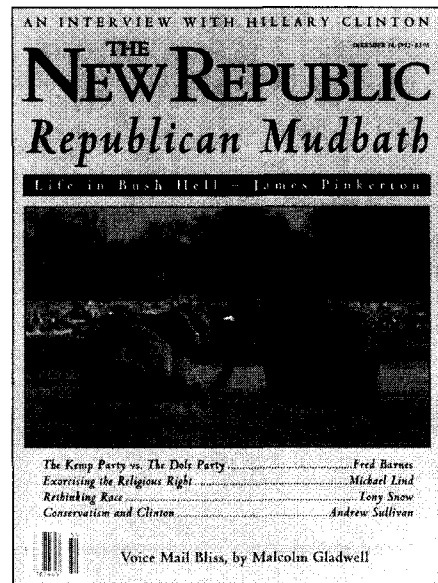
One item or less

To the editors:

In "Bill's Blue Pencil" (December 14) you claim that Tom Foley's proposed compromise of an "enhanced rescission" is unconstitutional under *INS v. Chadha* (1983). There is no *Chadha* problem

under either expedited rescission or enhanced rescission. The first requires a joint resolution of approval; the latter a joint resolution of disapproval. In either case, there is bicameral action and presentment of a joint resolution to the president, which are all that *Chadha* requires. It is thus false to charge that "Foley and former law professor Clinton are so cavalier about basic constitutional requirements."

You say that in "the mid-'70s Congress began the now standard practice of sending the president one enormous spending resolution each year instead of several small ones, forcing the president to vote up or down on hundreds of disparate pieces of legislation at once." That is false. With rare exceptions, Congress has continued to send the president thirteen



appropriations bills, as was the case this year.

You suggest that Congress "could vote on all appropriations, item by item, and present each to the president as a separate bill." That was the proposal advanced by Senator Mack Mattingly almost a decade ago. As the Senate held hearings on that proposal, I testified in opposition to the Mattingly plan. It seems to me the height of impracticality to suggest that Congress should send thousands of bills to the president, with each bill containing a so-called "item." The Constitution does not require that; it offers no advantages for facilitating either government or the legislative process.

LOUIS FISHER

Silver Spring, Maryland

To the editors:

The Sixth Illinois Constitutional Convention, of which I was a member, provided for a line-item veto. It was our intention that this would permit the correction of clerical errors. Instead, it has been used to

ram executive policies down the throat of the legislature.

Instead of amending the Constitution to give the president a line-item veto, Congress could ease the problem of gridlock by enacting a bill that provided, as in the Illinois Constitution of 1970: "Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. Appropriation bills shall be limited to the subject of appropriations."

LEONARD N. FOSTER

Glencoe, Illinois

Stalinist gigantomania

To the editors:

I was the organizer of the demonstration against the Gabčíkovo-Nagymaros dam that Anna Husarska reported on ("Dam Cheek," December 21) and would like to make a few minor corrections in this otherwise fine report. Slovakia did not spend \$3.5 billion on this dam. Hungary and Slovakia each spent about \$1 billion.

The environmental consequences are much more serious than the dying fish. As the water table drops by some twenty feet, this breadbasket region, which receives a minimum of rainfall, will turn into a desert. As the aquifer dries up, the unique fauna and flora will be destroyed. It was this wetland that supplied the oxygen needed to digest the untreated waste waters from Bratislava and Budapest. The concrete canal will thereby cut out the "lung" of the river. The new reservoir will trap the pollutants and bacteria, creating a gigantic open sewer that will poison the water supply of 3 million to 5 million people. In addition, although it is lying in an earthquake zone, the dam was not designed to withstand seismic shock.

I disagree with the suggestion that it is too late to do anything about this white elephant of Stalinist gigantomania. Representatives Tom Lantos of California and Christopher Shays of Connecticut are considering introducing legislation to protect the Danube. They believe that the Danube wetland treasure belongs to all humankind and that aggressions should not be rewarded. Therefore, in January Congress should make the recognition of Slovakia dependent upon the returning of the Danube into its riverbed. This can be done in three weeks, while all shipping and energy concerns of Slovakia can be met without harming the environment. In other words, it is not too late to avert this catastrophe.

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FROM WASHINGTON

The criminals lobby

Sympathy for the problems of criminal defendants has not loomed large among the public concerns of the past twelve years. In fact, it's hard to think of a cause less fashionable in the past two Republican administrations. In the 1988 campaign, George Bush labeled the American Civil Liberties Union "the criminals lobby" because of its concern about the rights of the accused.

But in its last hours, the Republican regime reveals itself as exquisitely concerned with criminal rights—in certain circumstances. Not only that. The pardon of Caspar Weinberger and the other Iran-contra malefactors has been justi-

fied with self-righteous complaints about the prosecution that go to the heart of America's system of justice.

The general accusation is that independent prosecutor Lawrence Walsh was "out of control." But most of the specific gripes relate to what is absolutely standard procedure in criminal prosecutions. If some of these procedures are unfair to those accused of crimes—and perhaps they are—it would have been nice if the people running the country had done something more about it than simply pardoning their own.

Consider a few particulars:

1. Weinberger says indignantly, "I was told that they would drop all these heinous felony charges ... if I would plead guilty to ... just a small little misdemeanor." He complains about a prosecutor's "power to force, literally to blackmail people into accepting lesser pleas." Well, yes. Plea bargains are how justice is generally meted out in America. Defendants forgo their right to a full-blown trial in exchange for a lesser sentence. Undoubtedly, innocent people plead guilty to avoid the risk and cost of a trial.

On the up side (from the defendant's point of view), plea bargains permit the truly guilty to minimize their offense. A flagrant perjurer, for example, can claim that he was merely "misleading Con-

gress," which sounds almost benign.

2. Weinberger also complains that the prosecutor only indicted him after he refused to give evidence against Ronald Reagan. "When they couldn't get that, then they went after me with five felony counts, all of which they would have been perfectly willing to drop if I had, quote, 'cooperated' with them." Once again, it is common for prosecutors to unravel criminal conspiracies by offering immunity or lesser sentences to lower-downs who agree to finger the higher-ups. Or simply to whoever squeals first. Undoubtedly this practice leads to false testimony sometimes. Should it be banned in general or only for Republicans?

3. Early in these proceedings, Oliver North and John Poindexter complained that Walsh was violating their Fifth Amendment rights by using evidence "tainted" by their congressional testimony, which was given under a grant of immunity. The ACLU even backed them up in this claim, and their convictions were ultimately reversed. This was one of those constitutional "technicalities" that ordinarily so irk conservatives. After two decades of the Burger and Rehnquist Supreme Courts, convicted criminals rarely get off on "technicalities" anymore. But North and Poindexter did.

4. In T.V. interviews since the pardon, Walsh has been calling Weinberger a liar (he "lies as well in press interviews as he does when he testifies before Congress"). Weinberger and his defenders say it is outrageous for Walsh to be pronouncing Weinberger guilty before he's been tried or convicted.

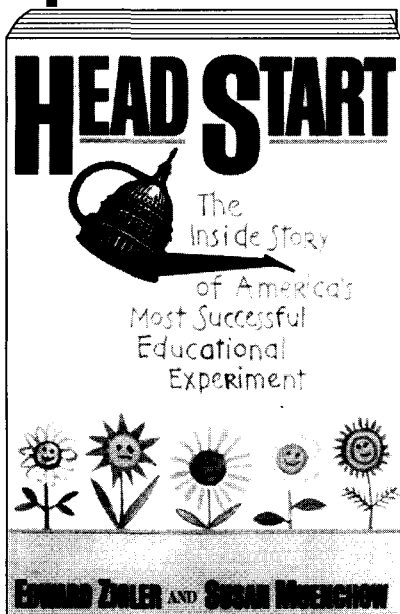
If so, it's a familiar outrage. Guidelines that supposedly limit federal prosecutors to a deadpan recital of the indictment are widely ignored. The prosecutor standing on the courthouse steps denouncing in vivid terms the miscreant he has just indicted is an American cliché. In 1989, after Manuel Noriega was indicted, Bush declared, "I want to see this man ... brought to justice for poisoning the children of the United States of America." No Republican complained.

Anyway, there will never be a trial of Weinberger because the man's been *pardoned*, remember? The presumption of innocence wears a little thin when, at the defendant's own request, there will be no ultimate reckoning. Is Lawrence Walsh—foreclosed from trying Weinberger—also foreclosed for all time from saying what he thinks of him? While Weinberger and others denounce Walsh as a vindictive lunatic? I don't see why.

5. Above all, the Iran-contra defendants complain about the vast resources of time and money Walsh has spent pursuing them. It's unfair, they say. This is where the whining really starts to boggle

continued on page 42

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JANUARY 18, 1993

THE QUIET MAN

So the pragmatist mainstream realist liberal conservative moderate centrist Warren Christopher is to be secretary of state. Forgive us, but we feel a little duped. In foreign policy, at least, the new Democrats are looking rather like the old Democrats. But a restoration of Carterism is not our only anxiety. We cannot say with any certainty that Christopher represents a restoration of Carterism, because we cannot say with any certainty what he represents at all. We do not doubt that he is a man of competence, but competence without content is only slightly more to be desired than no competence. With or without a riddle, Christopher is—on Bosnia, China, Russia, nuclear proliferation, the Middle East, South Africa, the international arms market, Haiti and the African famine—a sphinx.

His discretion in the articulation of his views is utterly misplaced. It is, more properly, the perfect expression of a lawyerly approach to the world. And that is the problem. Christopher's appointment is an unexpected reaffirmation by the young hellion of Little Rock of the old notions that diplomacy is what lawyers do when they wish to stop lawyering; that it is the task of the secretary of state to negotiate and to manage. But surely it is the task of the secretary of state, above all, to conceive and to develop a picture of the role of the United States in the world, and of the values and the interests that undergird that role; and then to expound that picture forcefully.

The cold war was a relatively stable conflict that divided large precincts of the world into relatively stable blocs. It was a time when managerialism might suffice. But that time is gone. What we need now is imagination and an innovating mind. In the wake of the cold war, the international scene is characterized by a kind of global entropy. The international order that was politely called "bipolarity" placed an inhibition on the expression of ancient, collective passions in many parts of the world, and the inhibition is gone. The lids are everywhere flying off, and many of the conflicts that are erupting cannot be confidently regarded as occasions for rational, lawyerly negotiation (as the fruitless missions of Cyrus Vance, mentor to Warren Christopher, have shown).

How odd, then, of the innovation-hungry, brave-new-world Clinton to reinstall the old methods. He has created the foreign policy apparatus that Michael Dukakis

would have created. In domestic policy, Clinton established a big tent, perhaps because he possesses the knowledge and the experience to adjudicate among the competing opinions. In foreign policy, about which he possesses no similar qualification, he has established a small tent. His economic team is diversified almost to the point of incoherence, but at least it brings the refreshment that he promised. His foreign policy team (which includes Anthony Lake and Samuel Berger at the National Security Council and Madeline Albright at the U.N.) is utterly undiversified and brings no refreshment. In the No. 2 job at State, instead of finding a complement to Christopher in outlook or experience, Clinton allowed himself again to be overwhelmed by the frantic affirmative action ethos of his transition, and chose another process-meister, Clifton Wharton Jr., the well-regarded black administrator of the pension fund for college teachers, who seems likely to become Christopher's Christopher. And the rumored No. 3, Peter Tarnoff, the president of the Council on Foreign Relations, already once before a Christopher deputy, is remembered for a Pollyannaish and wrongheaded *New York Times* op-ed piece on Iraq midway through the Gulf war. There remain other appointments to be made in foreign policy. We hope that these men and women will not be cut out of the same cloth.

The war in the Gulf, the intervention in Somalia and the debate about Bosnia have all demonstrated that we are entering a period in which the use of force, or the possibility of its use, will be an unexpectedly important instrument of our policy. For that reason we worry about the reinstatement of a post-Vietnam Democratic timidity on this question. This is no longer a matter of hawks versus doves. Such distinctions have largely broken down; even Jesse Jackson supports the Somalian action. The issue is whether the United States under Bill Clinton is prepared to behave like what it is, namely, the only superpower in the world—not impulsively or aggressively, but not passively or Panglossianly either. Clinton, remember, was of two minds, or of two minds serially, about the Gulf war. These appointments leave us fearing that the mind that led him to side with the majority of congressional Democrats against the Gulf war was in fact the truer one. •



NOTEBOOK

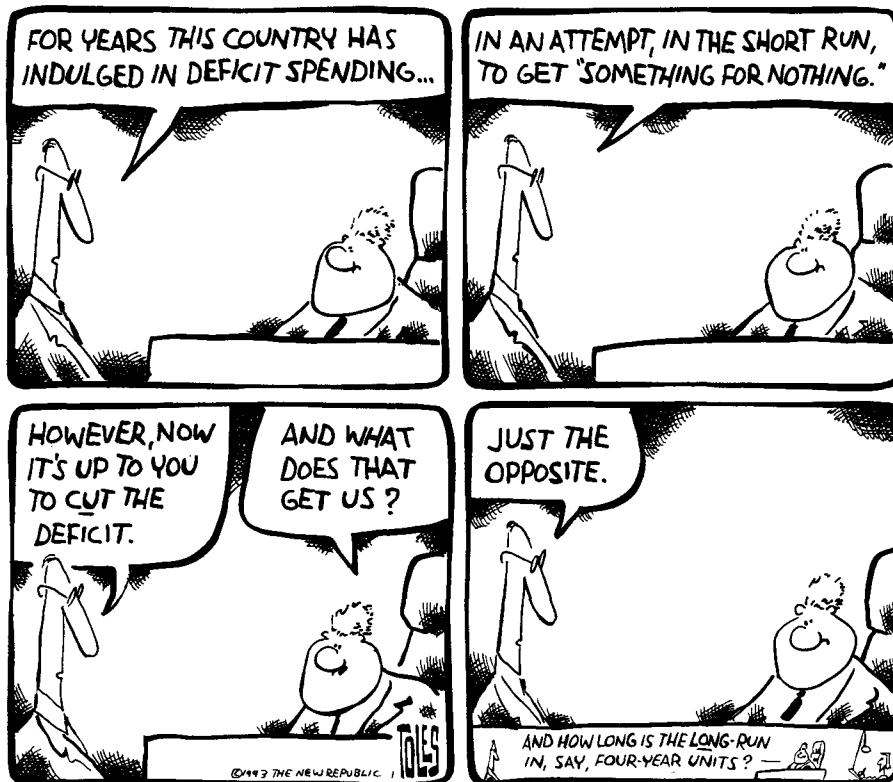
SILENT PARDONER: With his Christmas Eve pardon of Caspar Weinberger and five other players in the Iran-contra scandal, George Bush has done the impossible. He has made Lawrence Walsh look good. Walsh, whose investigation seemed likely to drag on into the next century, was nonetheless pursuing a legitimate case against Weinberger, whose defense that he didn't know the request for his notes meant *his* notes is about as plausible as Bush's lie that he was "out of the loop." The pardons were indeed the last act in the Iran-contra cover-up, and as such a self-interested perversion of justice. They were also an abuse of the presidential power of the pardon. By waiting until he was a lame duck, until after he had lost his last election and given his last answer to Congress, Bush managed to avoid any accountability for his act. This violates the spirit, if not the letter, of the Constitution. At least when Gerald Ford pardoned Richard Nixon, it was at the beginning of his term. When he ran for re-election in 1976, many voters remembered, and he answered for the act. That's something that Bush, who we expect historians will compare unfavorably with Ford in other respects as well, knows he will never have to do.

THE BRIEFCASE BRIGADE: *The Washington Post* wasn't paying very close attention when it announced Bill Clinton had "picked the most diverse Cabinet in U.S. history." The Cabinet, noted the *Post*, dutifully looking where Clinton was pointing, "includes four women, four African Americans and two Hispanics." True, but in a more meaningful sense Clinton has chosen one of the least diverse Cabinets in memory: of its eighteen members, thirteen are lawyers, and those include all four top economic officials. In other words, Clinton (a lawyer himself, married to a lawyer) is drawing help overwhelmingly from the narrow caste of lawyers-lobbyists who are becoming an American ruling class, and who

believe for the most part that the answer to every problem is another law or another lawsuit. By contrast, Ronald Reagan's Cabinet contained a few actual businessmen—who in real life vastly outnumber lawyers. We're all for diversity. We only wish Clinton's notion of it went a little deeper.

EXPELLED: As everybody knows by now, Israel has put 415 Muslim extremists from the disputed territories across the border into Lebanon, whose government won't let them move from the desolate site where they were dropped. They are all leading activists of the

Hamas and Islamic Holy War movements. Sworn to a world without Israel, these groups are waging an intensified war of terror not only against Jews but against Palestinians who, however reluctantly, have realized the Zionists can't be pushed into the sea. The conflict among the Arabs is between those who favor negotiation with Israel and those who don't. It should be chastening to "peace process" optimists in our own country that the Palestinian fanatics are ever more popular, even though an Israeli government now stands ready to make significant concessions to Arab political ambitions. Of course, terror habitually wins adherents in the Middle East, and its victories among the Palestinians are only part of fundamentalism's sweep from North Africa deep into West Asia. This is a phenomenon that alarms "moderate" Arab regimes, such as Jordan, Saudi Arabia, Egypt and Algeria, all of which have taken drastic—even violent—actions to curb it. It is a trend that also threatens the lives of PLO supporters who have been enmeshed in a long and bloody battle with their Hamas brothers in the territories. In a regional context, certainly, Israel's action wasn't particularly harsh. (The expulsions are for no more than two years; they can be appealed; and already Israel has agreed to accept the return of ten found to have been wrongly expelled.) In any case, the psychodrama now being played out in Lebanon is transparent. Compare the media attention lavished on these 400 cruel men with the silence that accompanied the



deportation from Kuwait of a quarter million largely innocent men, women and children of Palestinian extraction, most of them born in the Emirate. Or with the expulsion from Saudi Arabia of who knows how many hundreds of thousands of Yemeni workers, whose government rhetorically supported Iraq in the Gulf war. Israeli intelligence failed to anticipate that Lebanon (which, in reality, means Syria) would keep those expelled *in situ* for political show purposes. This resulted in a p.r. disaster for Israel as well, but it is an error easily remedied; the next time they'll be dropped off not on the frontier but by helicopter, ten at a time, dispersed throughout southern Lebanon. Wherever they are, however, the one place these men are not is in exile. Pan-Islamists and pan-Arabists at once, disdaining borders as mere Western artifacts, their ideology consoles them: they are in the bosom of the one Arab nation, fulfilling the mission of the Prophet in his language to his people. •

CONSUMED

DISCMAN

By Richard Blow

I own 427 compact discs. My collection is like the budget deficit: blink, and it's grown. The discs reside neatly in a five-foot-high oak rack next to Japanese and Danish stereo components. Beginning with the English dance band ABC and ending with Louisiana accordianist Buckwheat Zydeco, my CDs are alphabetized. It's nerdy, but it does save me from flipping past 426 discs to find the 427th.

Is my addiction something to apologize for? I'd rather explain it. Discs sustain me. Computers crash and VCRs refuse to record, but CDs always work. The only one ever to let me down was the Smiths' *Strangeways, Here We Come*, and that because I spilled lemonade on it, then baked it in the sun. They also mark key moments in my post-pubescent life. I recall hanging out with college friends listening to the beginning of Dire Straits' "Money for Nothing," a mix of drums and keyboards that builds to a digital climax. We listened to that thirty seconds over and over, talking inanely about how cool it sounded.

Some naysayers pooh-pooh the compact disc as the musical medium of yuppie baby boomers. True, boomers bought tens of thousands of elegantly boxed Robert Johnson sets, unlistenable collections now collecting dust on oak racks like mine. They also prop up the careers of middle-aged, middle-of-the-road singers

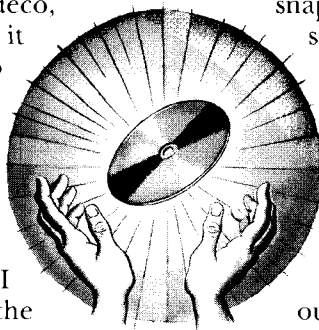
like Paul Simon, Steve Winwood, Natalie Cole and Bonnie Raitt. But the generation with a true affinity for the CD is the under-30s. We skipped the eight-track tape, shunned shoddy prerecorded cassettes and never shared the boomers' nostalgia for '60s album cover art. Records didn't remind us of Woodstock or Kent State. The CD appeared in the mid-1980s, a bleak time for anti-Reagan, anti-Mondale cultural drifters. The compact disc gave us something to believe in again. Admittedly, the scale was small. But tentatively we inched toward activism by fighting the wasteful CD long box—and buying CDs dedicated to voter registration or saving the rain forests. A couple of years ago, a young couple soon to be married listed a CD registry at Tower Records, and I felt the warm, satisfying glow of generational shift.

Like some of my peers, I began collecting CDs before I actually had a CD player. The early machines were expensive and often broke down. With typical reluctance to commit, we invested in the software and waited while Japan ironed out kinks in the hardware. My current machine, a Sony, allows me to do things you never could with tapes or LPs. I slide in five discs, program my song selection and press the "Repeat" button. The "shuffle" button plays songs at random. It's like listening to a radio station that only takes requests from me. Is such gadgetry necessary? No, but it's harmless and less self-indulgent than most of what you'll find at, say, The Sharper Image.

Disc shopping has always been a crucial part of the CD experience. Should I purchase a classic I had on vinyl but that deserved to be heard on disc, such as Pink Floyd's *Dark Side of the Moon*? Or would it be wiser to invest in a CD that exploited the technology, such as New Order's *Substance*? That two-CD set has 147 minutes of music, twice as long as the typical double LP. Eventually I developed a rule: for every newly released CD I snap up, I purchase one "classic" album that I should have on CD. That way I can sample new bands, like Carter the Unstoppable Sex Machine or the Supreme Love Gods, even as I complete my Grateful Dead library.

Some people purchase CDs in bunches—four, five, six at a time. According to *Rolling Stone*, Bruce Springsteen buys fifty at a pop. I buy one, once a week. This CD diet eases fears that my appetite is out of control. More important, it allows me the frequent experience of CD shopping. Unlike, say, shopping for neckties, when I CD-shop I know I'll find something I want. There are thousands of choices and a steady flow of new product. The gratification is fast, sure and compared with other indulgences—dining out, foreign cars—pretty cheap.

My favorite CD store is HMV (short for "His Master's Voice"), an English chain as high-tech as the product it sells. To enter the one in Cambridge, Massachusetts, where I used to live, you walk up a black steel staircase lined with speakers. Upstairs, rows of television monitors show videos and old "Star Trek" episodes. From inside a



glass booth, a disc jockey spins CDs, but you can listen to others through headphones. Computers help you search for the group or song whose name is just beyond recall. There's a recycling bin for long boxes. And for counterculture types, a separate room contains classical music.

To boost its hip image, HMV also hosts live bands and "CD-release parties." One midnight I went to HMV to buy the new Cure album the second it was available, getting a free T-shirt for my trouble. Stupid, yes, but fun stupid. HMV also understands the essence of the CD addict: if you buy a CD only to find that you hate it, you can return it and get your money back. Theoretically, people could buy a \$12 album, tape it on a \$4 cassette, then return it. They don't, because then they wouldn't have the CD.

Sadly, such bliss will not last forever. Electronics manufacturers plan to muddy the musical waters with "mini-discs" and "digital compact cassettes." I'm not sure what those are, but I don't think I like them. I have all the technology I need. I just want more of it.

RICHARD BLOW is a Washington writer.

WHITE HOUSE WATCH

PARDON THEM

By Fred Barnes

By the time the written request for a pardon of former Defense Secretary Caspar Weinberger reached President Bush on December 18, the issue had all but been decided. Bush loathed Lawrence Walsh, the Iran-contra special prosecutor. He thought Walsh had overreached in indicting Weinberger, ailing and 75. He felt Walsh should close up shop, pronto. Bush was also furious that Walsh, in re-indicting Weinberger just before Election Day, had pointed up Bush's murky role in Iran-contra. Moreover, Bush wasn't eager to be grilled on the witness stand at Weinberger's trial. So clemency for Weinberger was in the bag. The question was who else would be pardoned, and how Bush would explain it.

The day before, Bush got an option paper from C. Boyden Gray, the White House legal counsel. The five options ranged from no pardon at all to a sweeping pardon of all Iran-contra defendants and anyone (except Bush himself) who might be indicted by Walsh in the future. Gray recommended the mass pardon, but Bush was nervous. He didn't mind shutting down Walsh's operation but worried about how it would look. "From a p.r. point of view, it seemed too broad," says a White

House official. Bush put off a decision.

The clock was ticking. If he was to pardon Weinberger, it had to be done by Christmas. After that, Bush would be away on a hunting trip in Texas. He could issue a pardon on January 4, just before Weinberger's trial. But then he might be in Somalia or at another overseas stop. He had to decide quickly. On December 18 Bush conferred with Gray, national security adviser Brent Scowcroft, Vice President Dan Quayle and James Baker, his chief of staff. Quayle joined Gray in favoring a broad pardon. Scowcroft was worried about the flak Bush would take. Baker was mildly pro-pardon. Bush told Gray to put together a more formal meeting, including Attorney General William Barr, for December 21.

By then a different option had caught the eye of Bush aides: a pardon for Weinberger and five others, all Reagan administration or CIA officials. This would not be a prospective pardon, nor would it cover five other Iran-contra defendants, all civilians. Quayle preferred this option but couldn't figure how to draw a legitimate distinction between the pardoned and unpardoned. Finally a Gray aide offered a solution. Bush could pardon those who didn't profit financially from Iran-contra, and ignore those who did. Still, Bush couldn't decide. He asked for two pardon statements, one for Weinberger, one for Weinberger plus.

Bush's instinct was to pardon Weinberger alone. That, an aide said, "would have been an easier deal." He could do it on grounds of compassion. Weinberger is sick, his wife has cancer, a trial would be grueling for both. Besides, Bush believed Washington was wired to swallow a Weinberger pardon. Weinberger, his lawyer Robert Bennett, Gray, Senate Republican Leader Bob Dole and others had lined up Democratic support. Bush could act without fear of igniting a Watergate-like firestorm. Or so he thought. A broader pardon would be riskier.

Proponents of the Weinberger-plus option stepped up the pressure. Elliott Abrams, the former assistant secretary of state who had pleaded guilty to two Iran-contra misdemeanors, got wind on December 22 of Bush's inclination to exclude him and others. He contacted Dole, who was scheduled to chat with Bush that afternoon. Dole didn't need much persuading. He viewed Walsh as highly partisan and unprofessional, and had been noisily calling for a pardon since his appearance on "Face the Nation" on November 8. On November 10 Dole broached the subject with Bush at a dinner he hosted in the president's honor. He urged Bush to consider a broader pardon.

What mattered more than Abrams to Bush was the fate of Clair George, the former CIA deputy director for operations. Bush, CIA chief from 1975 to '77, felt George got a raw deal when, after a mistrial, Walsh brought him to trial again. George was convicted of two counts of lying to Congress. At the instigation of Quayle aide William Kristol, the vice president and Gray argued to Bush that it would be unconscionable to pardon Weinberger, a big shot, and let George, a smaller fish, go to jail. George, they said, was a cold war hero, having served in Athens after the CIA station chief there was assassinated, and in

Beirut. Bush was moved. But on December 23, as he got ready to leave for Camp David for Christmas, he hadn't made a decision. "It was a very close call," says a Bush adviser. "It was a risky move, not morally risky, but risky in the cosmic sense of his place in history." Bush left town at noon with two pardon statements in hand.

He didn't report back until the next morning at 9:30. "I'm going forward," he told Gray, meaning a pardon of Weinberger, Abrams, George, former White House official Robert McFarlane and two ex-CIA officials. "The statement's fine," Bush added. He'd tinkered with it overnight. Besides compassion for Weinberger, Bush was bent on stressing two themes: healing and "the criminalization of policy differences." Other presidents used pardons to "put bitterness behind us and look to the future." The criminalization argument was an old one for Bush. In a speech to the Federalist Society in January 1987, Bush declared, "I don't believe the Founders intended our foreign policy should be conducted or reviewed by grand juries." In the pardon proclamation, he said policy differences "should be addressed in the political arena," not the courts.

The pardon exposed two Bush vulnerabilities. First, he had a stake in the Weinberger case. He pretended otherwise. "Bush refused to entertain discussions of what was in his personal interest," an aide said. He didn't talk about testifying at the Weinberger trial. But his aides did, and they regarded a court appearance as best avoided. Second, the White House didn't notify Walsh of Bush's political diary from 1986 to 1988 until early December, though Walsh had requested all Bush notes five years earlier.

Here's how this blunder was explained to me: aides didn't learn of the diary until they were checking Bush's vice presidential papers after a new document request from Walsh last summer. If this is true, Bush himself must be the culprit. He'd failed to alert anyone about the diary. But since there was no subpoena or court order, he's not in legal trouble. For that, anyway. But if the diary contradicts his deposition taken in 1988 by Walsh and never made public, he's in legal jeopardy. Walsh insists a high-level cover-up was concocted at a November 1986 meeting attended by Bush. No doubt Bush was asked about the meeting in his deposition. We may know soon if all accounts jibe—deposition, diary and Weinberger's private notes, which were the major item in the case against him. Bush says he wants deposition, diary and notes released publicly.

Maybe I'm naive, but my guess is that Bush will be vindicated. I think the impulse behind the pardon was high-minded. Bush isn't Reagan. Jeffrey Toobin, who wrote *Opening Arguments*, about his experience as a Walsh prosecutor, saw why Reagan didn't pardon anyone in Iran-contra. "He was unburdened by an ethic of sacrifice," Toobin wrote. "For all his surface good nature, he was fundamentally ungenerous to those around him." Bush isn't that way. He believes in loyalty down, not just loyalty up.

With Democrats on board, Bush expected the pardon to be a one-day story, two-day at most. What he didn't anticipate was Walsh's ferocious reaction. Walsh accused Bush of "misconduct" and claimed the pardon "completed" the Iran-contra cover-up. He said he intends to

THE IRONY BOARD II

A Continuing Survey of Words That Have Become 100% Ironical

Some (but not all) criteria:

Might an in-flight magazine use this word to describe its merchandise?

Might this word be located on a Steak Hut menu?

Might a Boca Raton realtor entice me using this word?

Might this word inhabit a backlit plexiglass sign on Route 35?

Might this word describe Lou Grant or Mary Richards?

The List

appalled	baronial	bauble	beverage	bonanza	chick
ciao	collector's item	contemporary	crusty	curmudgeon	dig
exclusive	executive	gal	gruff	happening (<i>adj.</i>)	juicy
komedie	krazy	kustom	luxurious	majestic	melting pot
millionaire	mouthwatering	natural	-oid	-o-rama	outraged
perky	pert	plush	privilege	regal	sanitized
shocked	sizzling	sleek	smorgasbord	snazzy	square
stud	succulent	tantalizing	trinket	unique	verve

Bonus Party List:

Andy	Bianca	Calvin	Farrah	Halston	Jerry
Liza	Martha	Mick	Ryan	Truman	Warren

DOUGLAS COUPLAND

interrogate the president. Meanwhile, Senate hearings on the pardon are planned. All this makes the pardon flap a political problem for President Clinton. Republicans in Congress aren't likely to cooperate with the Clinton White House so long as Democratic senators are pursuing Bush and Weinberger, and Walsh is targeting Bush. The healing Bush hoped for didn't take. Now it's up to Clinton to achieve it. •

My life in Stephanopoulos's pad.

WHERE'S GEORGE?

By David Ellis

The caller was nervous. She had reached the answering machine of George Stephanopoulos, President-elect Clinton's deputy chief of staff/communications director/special assistant, with a personal request: "Um, George? This is Christine, and I've just read an article about you in *U.S. News*. It was extremely interesting, really neat. I live in McLean—I'm newly divorced—I'm trying to be discreet here—I'm 31, I fly airplanes and I work in mortgage banking.... Rollerblades is my sport.... Oh, this is so silly! Anyway, I'm calling to say you sound like an interesting person, and if you ever have an opportunity to get to the McLean area..." A few minutes later Christine called back. "I am tall, blond, brown eyes with brown hair cut in a very sporty look—it's very attractive—and I love jazz music."

George never got the message. The number Christine reached is now my Washington apartment, which I'm subletting from Stephanopoulos. I moved in after Stephanopoulos hit the campaign trail. At the time he was a little-known political operative. But ever since his name became a household word, my phone hasn't stopped ringing. Even before Election Day, people began tracking him down in congressional staff directories, Rhodes scholar alumni listings and the D.C. phone book. Some called to complain about Bill Clinton—including one Maryland man who denounced the governor for failing to take a "stronger" stand against child abuse—or to ask for the candidate's position on arcane issues. Others called with fashion tips: George should cut his shaggy hair; George should try a spritz of hair spray.

Occasionally I've made the mistake of picking up the receiver. I've spent nearly an hour listening to local ward Democrats complain about their inability to obtain inaugural tickets and a local priest who outlined his grandiose plans for a presidential prayer vigil. A few callers became angry when I told them that

George didn't live here and directed them to the Little Rock headquarters. "What do you mean he's not here?" fumed one caller. "I just saw him on the Capital Gang!"

Some of the messages were touching, like the Greek man who called to thank Stephanopoulos for wiping away the shame of Dukakis. Some were vicious, like the fellow who accused Stephanopoulos of running "the most despicable campaign in the history of man." Others were just strange. One young Republican hectored Stephanopoulos's answering machine throughout the final weeks of the campaign, parsing Clinton-Gore press releases and predicting a victory for the GOP. He still has trouble accepting the election result. "Hey Stephanopoulos, I see they gave you a nice new conservative tie and you got your hair cut. I got news for you pal, you're still a bum, and that's all you'll ever be," he grouched.

Most of George's callers, of course, just wanted to cop a job off of him. A confident 28-year-old man named Steve "just out of graduate school" phoned to solicit advice on "getting into the political consulting field." A woman named Sue explained that she had just graduated from law school and wanted some advice on "new directions." She concluded sadly: "I wish I hadn't picked the Dukakis campaign to work on." Many smitten female callers seemed undeterred by references in newspaper and magazine stories to Stephanopoulos's lawyer girlfriend. "Are you the guy in *The Washington Post* today?" asked one. "If you are, I'd love to hear from you, tell you how proud I was, and to see if you could help a nice Greek girl." Another called because she "just wanted to chat about the victory."

Alas, the fun will soon end. I've been informed that right after the man in demand returns home in January to plow through the mail, he plans to seal his entry into the Washington elite circles by joining the ranks of the unlisted. But, um, Christine... I'll still be here until January.

David Ellis is a writer for *People* magazine.

John Kerry and the POW debacle.

CAPTIVE MINDS

By Mark Hosenball

No conspiracy theory since McCarthyism has received more attention from the U.S. government than the proposition that Vietnamese prisoners of war are still being held in Southeast Asia. Since the last of 591 POWs returned

from Vietnam in 1973, three major congressional investigations, including a current special Senate committee, have looked into the fate of 2,266 other Americans who were lost in Indochina but never officially accounted for. That is two more inquiries than Congress conducted into Watergate, the Iran-contra affair or the Kennedy assassination. At the Pentagon and in the intelligence agencies, huge bureaucracies have been set up to handle POW/MIA affairs.

If the government had followed its instincts, the POW/MIA bureaucracy would have been shut down years ago. The defense and intelligence agencies have long believed that any American MIAs or POWs who might have been "left behind" would have died long ago. In most cases, so the official line goes, those who disappeared in enemy hands were executed by their captors; any others undoubtedly died from the stress of harsh jungle confinement. Both official investigations and the media (see "The POW/MIA Myth" by H. Bruce Franklin, *The Atlantic*, December 1991, and "The Myth of the Lost POWs" by James Rosenthal, *TNR*, July 1, 1985) have presented devastating deconstructions of the evidence offered up by family members and some activists that some MIAs are still alive. But due partly to political exploitation and partly to post-Vietnam angst, the issue has remained alive. Indeed, the mystical quest for probably mythical MIAs has only grown stronger as the likelihood of their survival has dimmed to almost nothing.

Senator John Kerry is the latest MIA investigator to find himself sinking in political and emotional quicksand. As chairman of the Senate's current select committee on POW/MIA affairs, Kerry, like congressional investigators who looked into the MIA issue in the 1970s and 1980s, set out to resolve the MIA question once and for all. A Massachusetts Democrat with a background as both Vietnam War hero and protester, Kerry seemingly has the credentials to put the issue to rest. But as it has turned out, Kerry's investigation may only reinvigorate the MIA legend.

At the outset, Kerry sought to neutralize the influential lobby of POW/MIA activists. He gave them a presence on the staff of his committee and promised public exposure of their views. For a time, the inflammatory arguments of the MIA activists were laid before Kerry's investigation by a member of his committee's own staff. The vice chairman of the committee, New Hampshire Republican Bob Smith, is a long-time supporter of the radical MIA lobby. As his personal representative on the committee's investigative staff, Smith brought on a professional POW hunter, Billy Hendon. A North Carolina good ol' boy and former congressman, Hendon is a persuasive pitchman for what "establishment" experts on MIAs consider to be an outrageous point of view. Hendon's principal contribution to the POW/MIA debate is a huge map of Southeast Asia covered with clumps of red, white and blue pins. These are supposed to represent locations of alleged live American MIAs, as revealed in recent

"live sighting" reports. U.S. intelligence has collected thousands of these reports, in which eyewitnesses—mainly defectors and refugees from Indochina—claim to have seen Americans on the ground in captivity. Pentagon analysts claim that the reports are either fraudulent or unreliable. Hendon, however, dismisses the official verdict, maintaining that his map shows that hundreds or maybe even thousands of MIAs are still being held alive. Hendon's involvement in the Kerry investigation, not surprisingly, proved turbulent. A few months after joining the committee staff, he was accused of leaking secret documents and was fired. But behind the scenes he continues to advise some committee staff and members. To MIA activists, the committee's treatment of Hendon and his elaborate chart offers evidence of Kerry's complicity in a continuing MIA cover-up.

At the same time that Kerry's committee was examining the theories of "live MIA" activists, it was wading through the thousands of documents that the Pentagon has compiled on MIAs. In an attempt to demystify the intelligence and defense bureaucracies' vehement assertions that all Vietnam-era MIAs are dead, Kerry persuaded the Pentagon and intelligence agencies to let his staff embark on wide-ranging fishing expeditions through some of the government's most secret archives—apparently believing the files would prove that no MIAs are alive.

But Kerry's strategy backfired. Among the secret documents, MIA activists found reports that, though of arguable merit, offer spooky fragments of evidence that MIAs could have survived long after war's end. Kerry's investigators found that the defense and intelligence bureaucracies had committed egregious blunders, at times mishandling or overlooking possible evidence of living MIAs. One of the most serious controversies to have surfaced during the Kerry investigation concerns the bureaucracy's handling of satellite intelligence that activists insist proves the existence of live MIAs. Considered among the most important U.S. intelligence tools, spy satellite pictures are also among the most difficult to use because they are open to differing interpretations.

The debate over spy satellite photography could inspire new MIA myths of its own. The issue surfaced after Kerry committee investigators asked to see satellite intelligence files from the POW/MIA offices at the Pentagon and CIA. The files revealed that shortly after Reagan took office in 1981, satellite photos showed that the number "52" had been carved into the ground inside the perimeter of a suspected Laotian prison camp. The photos were considered so alarming that the president authorized a reconnaissance raid into Laos. The CIA's raiders, a team of Laotian mercenaries, got onto the grounds of the prison camp. They found no trace of Americans, but were unable to get inside the camp's most sinister-looking building.

Kerry committee investigators concluded that the intelligence agencies had made little additional effort

to look for MIA evidence in the thousands of satellite photographs taken over Southeast Asia each day. And when evidence was discovered, investigators came to believe it was often mishandled. A crucial exhibit is a January 1988 spy satellite picture of a Laotian rice paddy. The field is in a region where American POWs were known to have been held during the war. The photograph shows what appear to be Roman-letter symbols dug or stomped into the middle of the rice field. One symbol is sharply visible: the letters "USA." The other symbol appears to be a large capital "K," though parts of the letter are eroded or fading.

Despite the startling nature of the photograph, Pentagon and CIA documents show that it was not examined by analysts until almost a year after it was taken. Kerry committee investigators then discovered that the photograph had *never* been shown to a secret unit of Air Force intelligence that trains U.S. flyers how to survive if they are shot down. When officials of this unit, called JSSA, were finally shown the photo last June, they hit the alarm button. In a secret memo to the Pentagon, JSSA reported that the "K" in the satellite picture could have been a secret Vietnam-era pilot distress code; that since it had faded, maybe its increasingly desperate creator decided to use the less subtle "USA" to try to attract more attention; and that "an American crew member" definitely could have made the symbols. "Although it is possible someone other than an American being held against his will could have made these signals, JSSA believes these signals must be considered valid until we know otherwise," the agency's deputy director wrote. The revelation that the government's own survival experts believed the satellite photo constituted possible evidence of live MIAs in 1988 set off an uproar among MIA activists.

Later, what appeared to be even more alarming satellite pictures came to the attention of Senate investigators. These photos, taken over remote areas of Laos as recently as 1992, showed what appeared to be up to nineteen four-digit numbers carved into farmland. Again JSSA, which was not shown the pictures at the time they were taken, was asked for its opinion. This time, JSSA said, the four-digit numbers matched up with tightly held distress codes assigned to individual U.S. flyers who were missing in action in Southeast Asia.

JSSA's opinion touched off panic at both the Kerry committee and the Defense Department. Top Pentagon officials rushed to Capitol Hill to assure committee members that further analysis of the pictures would be needed; JSSA, they maintained, did not necessarily have the expertise to analyze the pictures properly. Later a top JSSA official was summoned to the CIA's satellite photo headquarters at a Navy base near the U.S. Capitol. Over several hours the government's top photo interpreters explained to the man from JSSA that what he had seen were shadows and plants and that there were no secret code numbers in the photographs at all.

There may well be innocent explanations for the various symbols and numbers in Laotian rice fields. One possibility circulated by the Pentagon is that they were made by POW hunters or their friends in the rag-tag Laotian resistance, as part of an effort either to embarrass the U.S. government or to scam MIA families. But it seems clear that U.S. spy agencies fumbled the intelligence. The Pentagon's official explanation, reported to Washington in a military cable, is that the field where the "USA" symbol appeared belonged to an opium-addicted farmer who told investigators that the "USA" had been made by his illiterate sons. The sons said they had seen the symbol "USA" on mail from America and decided to carve it into a rice paddy because they liked the shapes of the letters. This story will hardly satisfy MIA activists, although it seems to have satisfied some of Kerry's top investigators.

Kerry's committee meanwhile was having trouble coming up with enough evidence to rule conclusively either way. However, in an effort to end his investigation with at least an appearance of "closure," Kerry himself has drifted closer to the conclusion that all Vietnam-era MIAs are dead. During his recent Hanoi trip, Kerry seemed to bend over backward to praise even paltry Vietnamese efforts to provide American investigators access to MIA artifacts and crash sites. This conclusion was bolstered a few days before the presidential election, when the White House announced what it termed a major breakthrough with Hanoi on the MIA issue. A huge cache of MIA evidence had been obtained from the Vietnamese through a new, unofficial channel. Officials suggested that the material might resolve the MIA question once and for all. (So as not to appear partisan the administration allowed Kerry to take part of the credit.) The administration even subsequently announced that it would loosen the U.S. embargo on Hanoi.

But the new friendship was not off to as smooth a start as it seemed. Recently documents have surfaced suggesting intense infighting within U.S. intelligence over the initiative. Confidential letters to the Pentagon from Ted Schweitzer, who opened the Bush administration's back channel to Hanoi under the code name "Swamp Ranger," allege that some Pentagon intelligence officers sought to jeopardize his effort to obtain the MIA material from the Vietnamese. "The only reasons [the Vietnamese] didn't arrest me, I believe, are my long-standing reputation of helping Vietnam, and they just couldn't believe that one American intelligence group would burn another one," Schweitzer wrote.

Although the release of the new MIA material from Hanoi seems to have precipitated a diplomatic thaw, it may be less of a windfall for MIA families and activists. A one-page report prepared last July for a top Pentagon mandarin said that 1,192 pages of material contained "no new information" that would help resolve MIA cases. Thousands more pages reportedly arrived at the Pentagon in the following two or three months,

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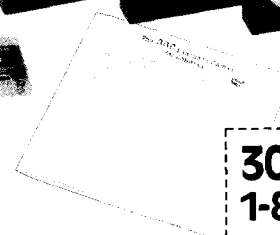
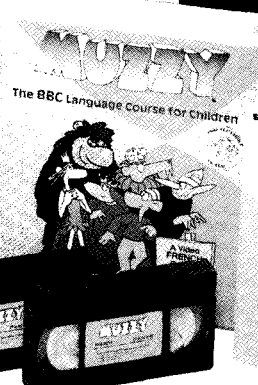
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but sources say that so far new information has been found on only a handful of individual cases—fewer than ten. This suggests not only that the U.S. intelligence officials almost scuttled Hanoi's overture to Washington, but also that the White House and Kerry exaggerated its results. Predictably, this fumbling has only further convinced MIA activists that both Kerry and the government bureaucracy are intent on burying their cause. The twists and turns of Kerry's investigation, and the bureaucrats' clumsy response, make a cynic suspect that the latest attempt to lay the ghosts of Vietnam to rest will only keep them alive for a new generation.

MARK HOSENBALL is a producer for "Dateline NBC."

Why the Edison Project won't work.

DIM BULB

By Sara Mosle

Last June, when Chris Whittle announced that Benno Schmidt would resign as president of Yale to join the Edison Project, he offered few specifics about his plan to open a chain of for-profit schools, which he claimed would transform American education. He said that his team of experts, headed by Schmidt, was to spend the summer designing his world-class schools from scratch. To finance his experiment, he pledged to raise billions in private capital. Because he wasn't beholden to special interests, he could take the best ideas for reform from left and right. He would use the latest technology—computers, satellite link-ups—to take America's students into the twenty-first century. In short, Whittle proposed to do what government does, do it better and for less money and to make a handsome profit—all without breaking a sweat.

The marketing millionaire who had introduced the infamous Channel One into the public schools just a few years before was perhaps the last person one would think of to solve the nation's educational crisis. But this was precisely the source of Whittle's Perot-like appeal: he was the outsider, the Lone Ranger who—with Schmidt as his Tonto—would ride into town packing the pistols of free market forces and shoot up the educational establishment.

Public school educators feared that Whittle just might pull it off. Even Whittle's detractors—most notably Jonathan Kozol—took it for granted that the Tennessee businessman would probably be successful. As a result, the hot debate that followed Whittle's

announcement centered on the consequences, rather than the feasibility, of Whittle's plans: he would destroy the public school system by undermining the commitment to free education for all; he would usher in vouchers, which would siphon off the best students and widen the gap between the educational haves and have-nots.

Actually public schools have little to fear from the Edison Project. Because Whittle will be charging substantial tuition, his schools will compete—at enormous disadvantages—almost exclusively with private and parochial schools. With such stiff competition, just making enough money to keep the creditors at bay is going to be next to impossible. The problem with Whittle's schools isn't that they will succeed, but that they can't—at least not as he has described them.

Unlike private or parochial schools, whose facilities are almost always donated by individuals, businesses or the Church, Whittle must come up with an enormous amount of private capital just to lift his schools off the design-team's table. He has said that he plans to raise between \$2.5 billion and \$3 billion to build and outfit the 100 "campuses." Together the schools, which are scheduled to open in September 1996, will serve 200,000 students, grades pre-K through 12.

Raising money, however, costs money—which is where Whittle's problems begin. Assume, for instance, that he ends up raising the average of his estimates, \$2.75 billion, and that he can borrow 75 percent of it over twenty-five years at 8 percent (very favorable terms—and very unlikely, since banks will seldom underwrite more than 60 percent of so risky a venture). The rest he gets from institutional investors, who will demand a return of about 15 percent, and will expect that return to grow over time. Just to pay off the banks and his investors, Whittle will have to come up with \$296 million each year in interest payments and capital costs alone.

On the revenue side of his accounting sheet are 160,000 tuition-paying students. (The other 40,000 are on scholarship.) Whittle told me that he plans to charge each of these kids \$5,500 a year—the average amount public schools spend. This means his schools would generate about \$880 million in revenues annually. Take away the \$296 million he has to pay in interest and capital costs, and you're left with \$584 million, or an actual per-student expenditure of about \$2,900 a year—little more than what Texas's poorest school districts now spend. And this is assuming the rosiest financial scenario. Higher capital costs would mean even less money per student. (I ran these numbers by Whittle, who agreed they were in the ballpark.)

This means that Whittle will be hard-pressed to compete with private and Catholic schools, which spend more on each student than they charge. As nonprofit institutions, they can supplement their tuition with revenues from annual giving, endowments and parish donations. Even some of the toniest private academies—those affiliated with the National Association of Independent Schools—cost less than a Whittle

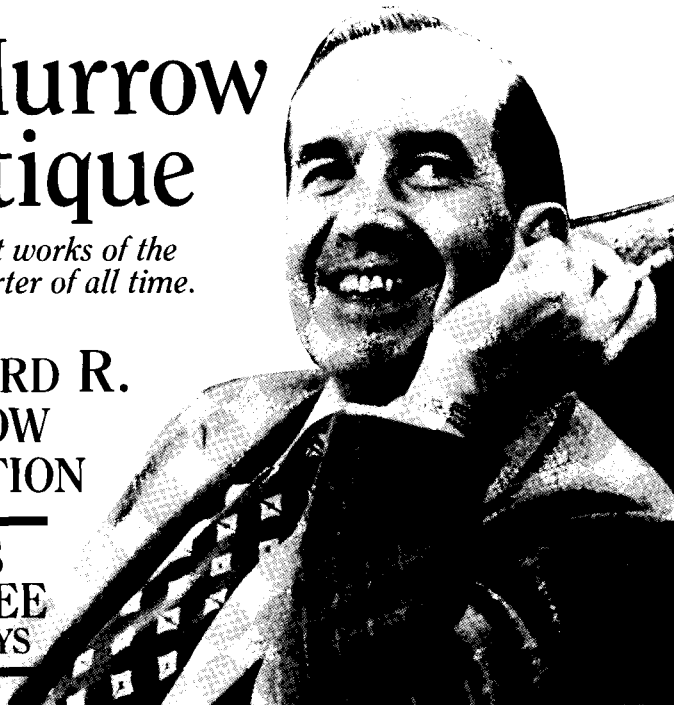
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The Murrow Mystique

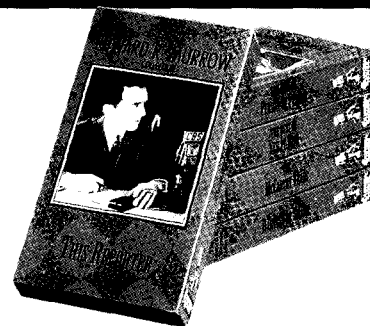
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Son of Edison

Christopher Whittle's Edison Project isn't the only private corporation looking to turn a profit by overhauling America's schools. Nor is it the first. A Minneapolis company called Education Alternatives Inc. has already been working at it for six years. EAI runs two private schools and the much-touted South Pointe elementary, a public school in Dade County, Florida, which the company holds up as an example of what it can do anywhere in the country. Glowing newspaper and magazine articles about South Pointe describe happy kids, newly energized teachers, enthusiastic parents, even a contented union, all in a school where 80 percent of the kids are poor enough to qualify for a free lunch.

This year EAI took on a far more ambitious project. The company signed a five-year contract with the city of Baltimore to run nine of its beleaguered schools at \$5,415, the same amount the city spends per student. EAI's chair, John Golle, claims that by retaining its own contractors to manage the school buildings (and in the process removing highly paid school-district custodians), the company can rework the curriculum, hire new teachers, buy books and computers—and still turn a profit of 25 percent.

Unlike the Edison Project, which intends to build schools from scratch, EAI has attempted to reform Baltimore's schools from the inside, avoiding the land, construction and property tax costs that could be Edison's downfall. And whereas Edison schools will keep down costs by increasing the number of students per teacher (the national elementary school average is one teacher for every twenty-four students; Whittle schools will have about one teacher for forty students), EAI promises a teacher for every fifteen students. "Instructional interns," education school graduate students, aid master teachers. In the classroom, EAI has adopted "student-friendly" teaching methods that many public and private schools already use and that have been successful at South Pointe: desks are clustered rather than lined

in rows, parent-teacher meetings are longer and more frequent than the public school average, children read storybooks and novels instead of plowing through stale textbooks and worksheets.

But hopeful parents counting on EAI to reproduce South Pointe's success in Baltimore will likely be disappointed. South Pointe has virtually nothing in common with the Baltimore schools. To begin with, in Florida EAI didn't take over an existing school and remake it, as it intends to do in Baltimore: South Pointe was built from the ground up by Dade County. Nor did EAI have to buy computers. Most of the machines were donated by IBM. And EAI chipped in \$600,000 for teacher training and school supplies. The school's thirty-five teachers were hand-picked out of a pool of 350 applicants from across the county.

The Baltimore schools, by contrast, are old and decrepit. And many of the teachers are resentful of the takeover. After initially assuring teachers that the company would not tamper with teacher union contracts, EAI alienated the Baltimore union when it announced plans to fire paraprofessional teachers' aides and hire their own at reduced rates. (The plan was scuttled when teachers boycotted EAI training sessions.)

There is another problem. A quick look beneath the hype reveals that South Pointe might not be such a dramatic success story after all. Despite EAI's claim that it can teach students for the same amount that public schools spend, and turn a profit besides, South Pointe costs \$2,000 more *per student* than the Dade County average, according to Jonathan Kozol, who studied South Pointe when it opened. EAI has been eating the difference. Instead of turning a profit, in six years EAI has actually sustained losses of about \$8.5 million, *The Wall Street Journal* reported. Essentially, South Pointe is a loss leader: a beautiful, high-visibility lure designed to generate future business.

EAI argues that it had to pay out of pocket at South Pointe because the company didn't have full control of the school's budget, as it does in

Baltimore. Even so, the company's anticipated 25 percent return on investment for the Baltimore project seems dubious. According to the Hudson Institute's Denis Doyle, who has scrutinized EAI's budget plans, a 7 percent to 9 percent return is more likely.

In its effort to cut costs, EAI has also cut corners. The company has eliminated art and music teachers from its main budget, for instance. Schools that want to retain these programs must dip into discretionary funds. But Baltimore school officials downplay these cuts, preferring instead to talk about EAI's "innovativeness," such as the company's plan to reap profits by renting out school space to private companies and child care centers during off hours. Baltimore schools spokesman Nat Harrington proudly points to another of EAI's innovative measures: it will slash expenses by "turning off the lights when the lights shouldn't be on," he says. And by "cleaning boilers. They're going to save \$100,000 by cleaning boiler systems."

Doyle doesn't share Harrington's enthusiasm. "I'm still skeptical and pessimistic," he says. "It looks like Baltimore is just a semifiasco. I would be delighted if I were wrong.... It would be fun to see something like this work."

Indeed if EAI manages to streamline the bureaucracy and refocus attention on the schools' immediate priorities, that alone would be a big service to Baltimore's students. And EAI, unlike the Edison Project, seems to put education before profit. Even Doyle emphasizes that "[Golle's] insight was probably a pretty good one ... there's a lot of slack in the system."

The city says it will expand the program to include its other grade schools should EAI succeed in turning around the nine pilot schools. But should it fail, the city may terminate the contract even before the five years are up and explore other options. Chris Whittle will be standing by.

JENNIFER PITTS

Jennifer Pitts is a former TNR reporter-researcher.

school will. According to a recent report, NAIS's 203 elementary schools had a median tuition of \$5,431, but they lavished \$6,671 a year on each student, more than twice what Whittle could afford to spend.

Catholic schools too, renowned for their low tuitions and streamlined staffs, are a much better deal than a Whittle education. In 1990 the average tuition for a ninth-grader at a Catholic high school was only \$2,299—less than half of what Whittle would charge. Yet the average amount Catholic schools spent on each child exceeded \$3,500—again, \$600 more than what Whittle would be able to spend. Which school would you send your kid to?

Apparently aware of the discrepancy, the Edison Project's design team has quietly upped its estimated tuition to \$6,300 this fall to match new public school figures. But this hike will only make Whittle's schools less affordable while raising school spending only \$600 a student. Indeed, the pressure on Whittle's balance sheet is apparently forcing his design team to choose between raising tuition more dramatically still and abandoning its commitment to providing scholarships at no extra charge. One prominent member of the Edison Project told me that tuition-paying parents may be subject to a 20 percent surcharge to cover the cost of scholarship students. This bit of accounting sleight-of-hand would still allow Whittle to claim the same operating costs as the average public school while raising the price of a Whittle education to nearly \$8,000 a year. But since \$8,000 would be beyond the means of even many well-to-do parents, the surcharge would simply become optional, a plea for a charitable donation. This would effectively eliminate any real commitment to the scholarship program, and strip the Edison Project of its most glittering philanthropic decoration.

If Whittle were able to match private and parochial school spending on each student dollar for dollar, his success would still not be assured. The NAIS report glumly notes that even its modestly priced academies are having trouble keeping up enrollments, despite active recruitment efforts. And recently the Catholic Church has begun closing schools because it can't afford to keep them open with rising costs and falling enrollments. There's simply not a market out there for Whittle's schools, given what he is planning to charge, unless, of course, parents who otherwise can't afford a Whittle education have vouchers, which would give them tax dollars to divert to a Whittle school.

Whittle has insisted that he doesn't need vouchers to make his schools profitable. But when Whittle got started, he was known to have been counting on Bush being re-elected. The outgoing secretary of education, Lamar Alexander, an ardent advocate of vouchers, is a close friend and former business partner of Whittle's. Now, with Bill Clinton moving into the White House, vouchers for private or for-profit schools are probably a dead letter.

As a result, Whittle has been looking for ways to hold down expenses. In recent months, he has floated a number of schemes, all of which cut the number of teachers he will have to hire. Salaries are by far the biggest expenditure at any school—60 percent to 75 percent of the budget even at private and parochial institutions. These schools may pay each teacher less, but they hire more of them to ensure that each teacher has only a dozen or so kids in his or her classroom. Smaller classes are private education's chief pedagogical tool. Whittle, however, can't afford them. He will have to pay his teachers more than both private and parochial schools do, since he has promised them longer days, larger classrooms and a twelve-month school year. So the design team downplays the importance of small classes. One member of the team, John Chubb, told me: "I think that it's frankly a waste of money to push classes down to a dozen-to-one." Whittle and his design team have discussed having as many as forty students per teacher and no fewer than twenty-five—about the same as what public schools have now.

To ensure adequate supervision, Whittle has suggested that parents will volunteer two hours each week at his schools. But getting working parents to show up in continuous daily shifts will be exceedingly difficult, and most will be ill-equipped to provide adequate instruction. He is also considering hiring "apprentices," or student teachers, who would be paid roughly \$15,000 a year.

Indeed, Whittle talks about his schools as if they were a charitable endeavor. He may be civic-minded, but his schools are going to be for-profit companies. The whole point is to make money. (He couldn't attract investors otherwise.) Are parents struggling along on \$40,000 a year really going to want to volunteer their time at a school where kids have to clean the toilets—another of Whittle's ideas—just so Whittle and his backers can maximize their profits?

Whittle has suggested that technology will somehow hold the key, as if there were some invention that will suddenly make schools much cheaper to operate. He's referred obliquely to interactive computers taking the place of human instructors and hinted that he may beam in teachers by satellite to address thousands of students in lecture halls nationwide. But except for such Orwellian glimpses, he's provided no specifics as to what his future schools will look like.

Suddenly Whittle's grand scheme doesn't look as scary as it does fantastical. In order for him to come close to his original projections, he's going to have to do what private schools do now for less than half the cost. At the same time, he will have to convince parents that his schools will offer their children an education superior to the one they can receive at proven private and parochial schools, which provide individual attention from real teachers, in schools that spend far more on each student but are less expensive to attend. Even

Whittle's own team can't say how he will do it. Sylvia Peters, a public school educator from inner-city Chicago, admits the difficulty of getting working parents to volunteer. Dominique Browning, the former assistant managing editor of *Newsweek*, insists, "I'm not for a forty-to-one student-to-teacher ratio." All claim they have a working plan but that they just can't divulge it. But neither can they point to a single area where they will achieve the necessary significant savings. Chubb told me: "There are no gimmicks. There's no one great

cost-saving breakthrough." Asked how the schools can possibly succeed, design-team members are reduced to reciting vague articles of faith. Peters implores: "You'll have to trust us." Chubb proposes, "Wait and see." And Browning suggests that observers adopt a "willing suspension of disbelief."

SARA MOSLE, a former assistant literary editor at TNR, teaches third grade at a public school in New York City.

The tortuous jurisprudence of Antonin Scalia.

THE LEADER OF THE OPPOSITION

By Jeffrey Rosen

Conservatives now have only the courts to carry on their thirty-year battle against entitlement liberalism, and only Antonin Scalia to bear their standard. Scorning other justices, who have refused to take some of the positions for which they were appointed, conservatives hail Scalia as the only justice guided by principle rather than politics. Scalia is the purest archetype of the conservative legal movement that began in the 1960s in reaction to the Warren Court. His increasing inability to command majorities is viewed as proof of his virtue.

From a dramatic standpoint, too, Scalia stands out. Of the three justices who regularly write their own opinions (David Souter and John Paul Stevens are the other two), only Scalia writes with flair. At his most melodramatic, he is more entertaining than the best *Wall Street Journal* editorial writers: "It is instructive to compare this Nietzschean vision of us unelected, life-tenured judges, leading a Volk who will be tested by following, with the somewhat more modest role envisioned by the Founders," he wrote in his abortion dissent last June. Scalia is also a showoff at oral argument, to the obvious irritation of his colleagues. When a lawyer tried to defend the FCC's set-aside program for black broadcasters, arguing that their background had given them a unique perspective, Scalia exclaimed: "Blood, Mr. Wollenberg, blood! Not background and environment. Isn't that right? Blood!" At times, Scalia seems the only justice large enough for the role he has been assigned to play.

When I wrote to Justice Scalia, asking if he would agree to be interviewed for an article about his jurisprudence, he sent back a charming note:

Since being a judge, I have had a uniform policy of declining interviews for articles about me. That policy undoubt-

edly has its costs, but is in accord with our judicial tradition of avoiding publicity. (As you know, I am big on tradition.) It is tempting to make an exception for a piece of the rare sort you describe, but a rule is a rule. (I am also big on rules.) I am sorry to disappoint—and wish both of us good luck in your article.

This is an exquisite miniature of a Scalia decision. Speaking for himself, Scalia explains, he might be tempted to grant the interview; but a judge's job is to restrain his personal preferences, and to resist temptation. By refusing to make an exception to a rule he has imposed on himself, Scalia shows that he is governed by law rather than whim. Justice Sandra Day O'Connor, for example, might have balanced the benefits of granting the interview against the costs of refusing it, but Scalia is bound up by history, by tradition. The note is so well executed that it makes me admire him for having turned me down. (He had done this once before, incidentally, when I applied for clerkships with all the justices.)

Scalia's speeches and opinions provide more details of the judicial philosophy that he called, in his 1989 Holmes Lecture at Harvard, "The Rule of Law as a Law of Rules." When interpreting statutes, Scalia claims to be a "textualist," refusing to look beyond the "plain meaning" of the words for evidence of the original intentions of Congress. When interpreting the Constitution, however, Scalia claims to be an "originalist," insisting that each provision should be interpreted in light of the original understanding of its framers and ratifiers. Finally, and most controversially, Scalia says that judges should refuse to enforce rights that do not appear explicitly in the Constitution unless they are rooted in long-standing tradition or very specific histor-

ical practice. Above all, Scalia claims to be consistent. "The only check on the arbitrariness of federal judges," he wrote in a 1989 issue of the *Case Western Law Review*, is "the insistence upon consistency."

Radical self-restraint. Scrupulous attention to text and history. Consistency. These are exacting principles, but Scalia properly demands to be judged by them, and he deserves to be taken seriously. In some cases, admirably, Scalia's principles do restrain his passions. Unfortunately, in the cases Scalia feels most deeply about, his passions lead him to betray his principles. In constitutional interpretation, he has ignored or misrepresented evidence of the original understanding of the framers and ratifiers when it conflicts with his own policy views. In statutory interpretation, he has ignored or misrepresented the "plain meaning" of the text in ways that Congress clearly did not intend. For all his self-righteousness, in short, Scalia often chooses among conflicting principles—textualism, originalism, tradition and precedent—in ways that appear no less restrained than justices who do not claim to be guided by systematic principles in the first place.

Affirmative action is a dramatic example of how Scalia's personal preferences seem to get the better of his originalist methodology. Scalia has never disguised his scorn, as the son of an immigrant from Sicily, for the idea that he should atone for the sins of earlier immigrants. In a brutally autobiographical essay in the 1979 *Washington University Law Quarterly*, he confesses his ethnic resentment of WASP judges like "the Wisdoms and the Powells and the Whites," whose ancestors oppressed blacks and who now try to rectify the error through affirmative action programs at the expense of more recent immigrants. "My father came to this country as a teenager," Scalia wrote. "Not only had he never profited from the sweat of any black man's brow, I don't think he had ever seen a black man."

Given Scalia's raw feelings on the subject, one would expect him to tread gingerly in considering the consti-

tutionality of affirmative action. Instead, his opinions are remarkable for their failure to apply the originalist methodology and to examine the contemporary understanding of the Fourteenth Amendment. In a 1989 case, *City of Richmond v. J.A. Croson Co.*, O'Connor struck down a set-aside program for minority contractors, holding that states can discriminate on the basis of race only to "ameliorate the effects of past discrimination." In Scalia's view, O'Connor's position was too moderate: "Only a social emergency rising to the level of imminent danger to life and limb" could justify an exception to "the principle embodied in the Fourteenth Amend-

ment that '[o]ur Constitution is color-blind, and neither knows nor tolerates classes among citizens.'" Scalia offered no historical support for this sweeping proposition except for two irrelevant quotations: one from James Madison on the dangers of faction, and another from Alexander Bickel on the immorality of racism.

Scalia conspicuously ignored an amicus brief for the NAACP, written by Eric Schnapper of Columbia Law School, arguing that the framers of the Fourteenth Amendment not only tolerated, but voted for social welfare programs for the exclusive benefit of blacks. Administered by the Freedman's Bureau, the programs were open to all blacks, not only to recently freed

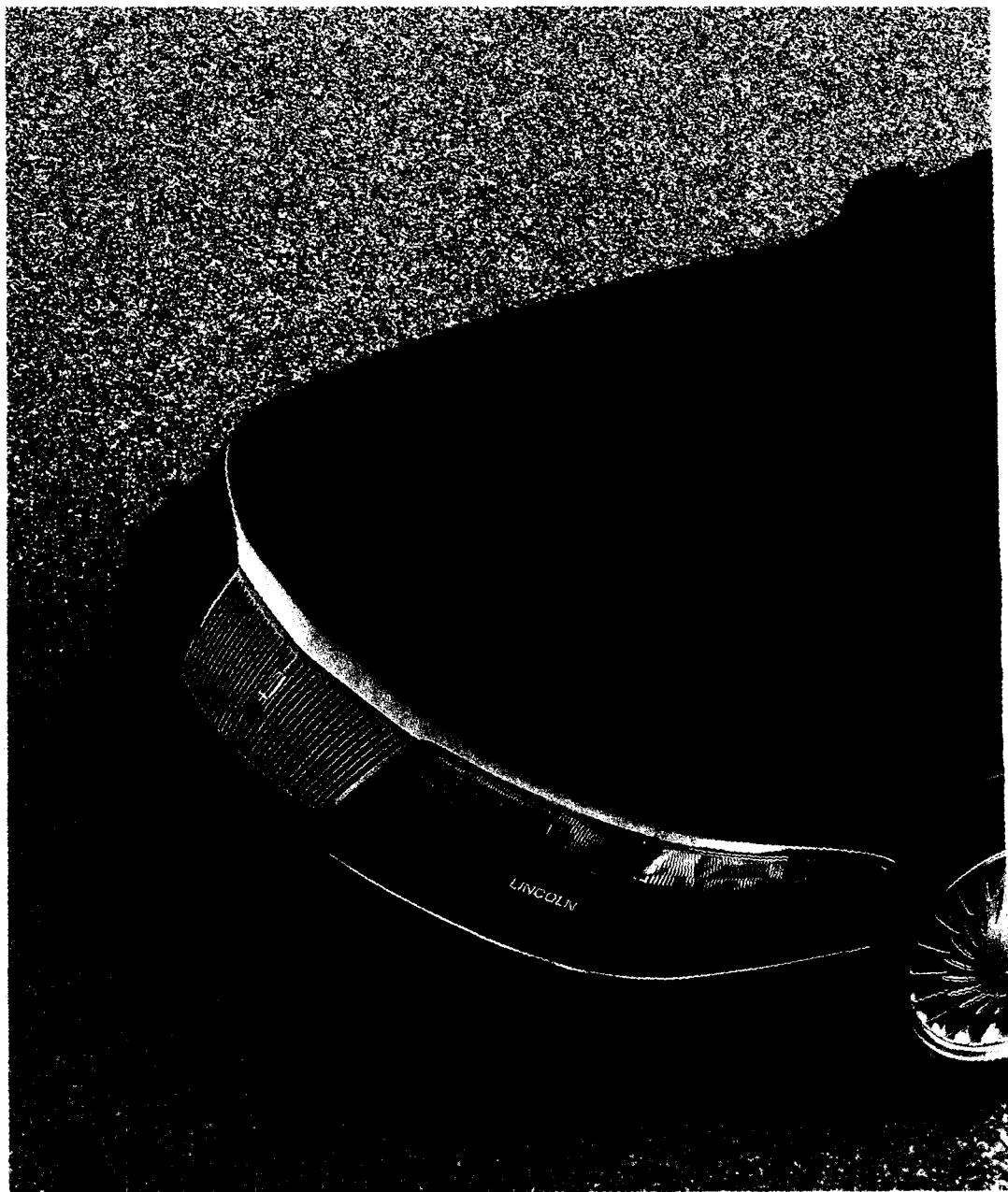
slaves; and the offered assistance—which included land, education, job training and employment set-asides—was not in any way tied to the injury suffered by the recipient. A judge who claimed to be less bound by the specific understanding of the framers and ratifiers might be able to interpret the text of the amendment (no person shall be deprived of "the equal protection of the laws") more generally, but Scalia offers no excuse for ignoring his originalist principles.

Three major opinions Scalia issued last June—on property rights, executive power and school prayer—provide more specific evidence of how his political passions overwhelm his originalist principles. In *Lucas v.*

continued on page 24



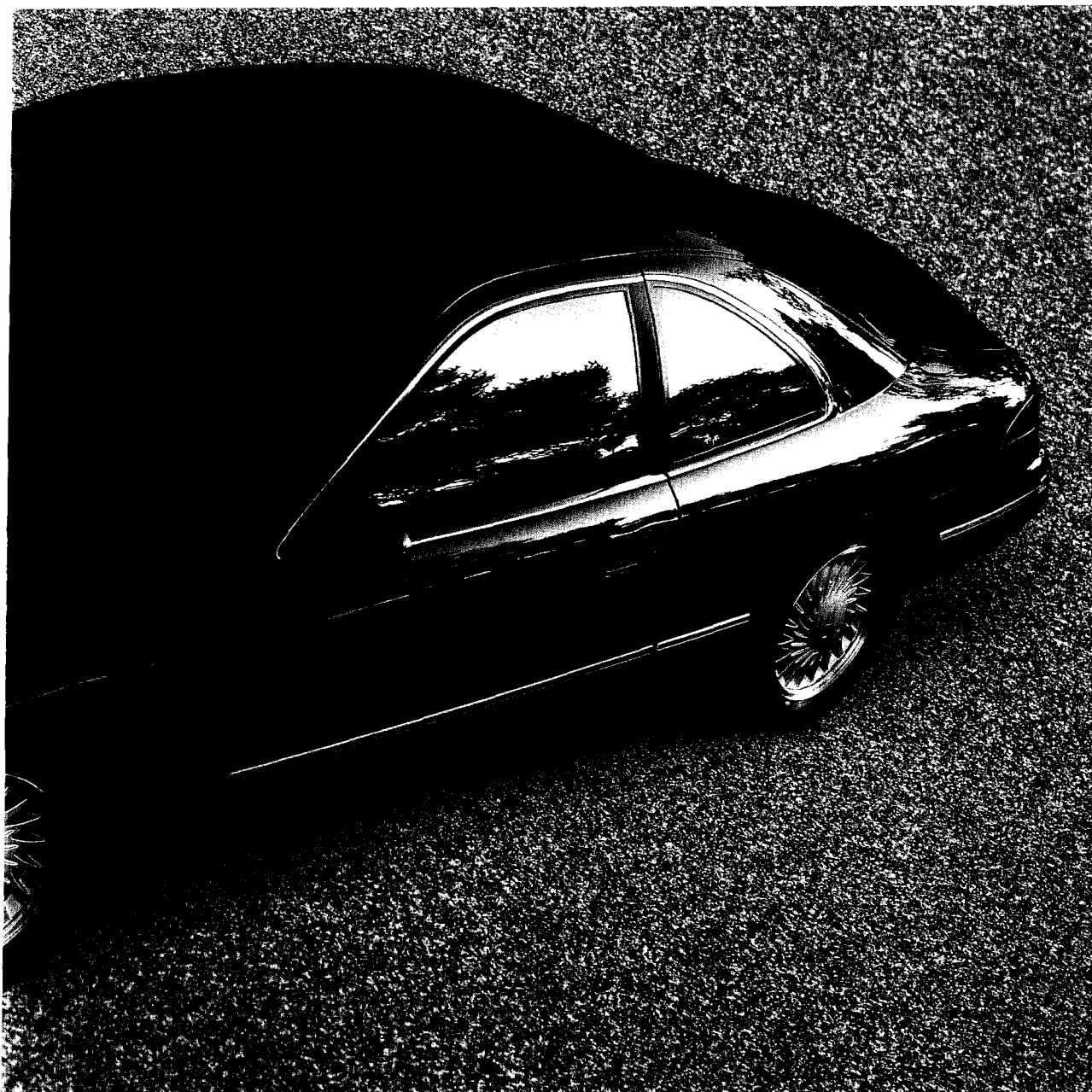
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South Carolina Coastal Council, Scalia held that when the state regulates land in a way that strips it of economic value, the landowner must be compensated, unless the prohibited use of the land was a nuisance under state common law. Scalia conceded that the framers would not have applied the Takings Clause ("private property [shall not] be taken for public use, without just compensation") to economic regulations: they understood it to cover only the physical taking of land. But instead, he relied on a subjective test Justice Oliver Wendell Holmes made up in 1922: a regulation is unconstitutional if it "goes too far" in reducing the value of land. This sounds very much like the mushy, judge-created "undue burden" test that Scalia attacked in *Planned Parenthood v. Casey*, the abortion case. And in a 1990 decision, Scalia took precisely the opposite approach, insisting that police officers who chased a teenager did not "seize" him, because the Founders understood "seizures" to be limited to physical contact.

In *Lujan v. Defenders of Wildlife*, Scalia again violated his originalist principles when he struck down scores of statutes in which Congress had allowed citizens to sue the president for his refusal to enforce environmental laws. In 1983, as a law professor, Scalia had written an article in the *Suffolk Law Review* proposing the theory on which the decision rests: if you are the object of a legal regulation, Scalia wrote, you should always have "standing" to challenge an agency's failure to enforce it; but sometimes even Congress cannot give you "standing" to challenge an agency's failure to regulate someone else. The problem, as Cass Sunstein of the University of Chicago argues in the November issue of the *Michigan Law Review*, is that Scalia's neat theory clashes dramatically with the original understanding and historical practice in England and America. Sunstein shows that the citizen suit was well established in the eighteenth and early nineteenth centuries; to establish "standing" throughout most of American history, you merely had to show that Congress or the common law had given you a right to sue. Scalia's conclusion that Congress can never grant standing to challenge the president's failure to enforce the law is, in short, perverse. But instead of examining the historical evidence, he relied heavily on an incoherent case from the 1970s, written by the liberal activist William O. Douglas, which is clearly inconsistent with the text and original understanding of the Constitution.

And then there is religion. In *Lee v. Weisman*, a 5-4 majority held that it is unconstitutional to recite a non-denominational prayer (actually a paraphrase of Micah 6:8) at a public high school graduation. Scalia confessed his "personal preferences" at the end of his dissenting opinion: "To deprive our society of [this] important unifying mechanism, in order to spare the nonbeliever what seems to me the minimal inconvenience of standing or even sitting in respectful nonparticipation, is as senseless in policy as it is unsupported in law." In attacking the majority, Scalia did not bother to conceal his rage: the Court's "psycho-journey" is "noth-

ing short of ludicrous. . . . Interior decorating is a rock hard science compared to psychology practiced by amateurs." (This is a wicked dig at O'Connor's earlier holding that the city of Pittsburgh could not display a crèche without also constructing a "secular" monument, such as a "rotating wishing well.")

Although Scalia dismissed the majority opinions as "conspicuously bereft of any reference to history," Souter's concurrence, in fact, reviewed the evidence of the framers' intentions in meticulous detail, concluding that "history neither contradicts nor warrants reconsideration of the settled principle that the Establishment Clause forbids" nonpreferential as well as preferential support for religion. Scalia simply ignored Souter's arguments about the intent of the framers. Instead, he disingenuously shifted his focus from original intention to subsequent practice or "tradition." He made much of the fact that presidents have traditionally issued Thanksgiving proclamations. But as Souter took pains to point out, Madison later apologized for his Thanksgiving proclamation (which he had issued only to win the War of 1812) on the grounds that he felt all ceremonial uses of religion "a palpable violation of . . . Constitutional principles." And in a footnote in his abortion dissent, Scalia had argued that "tradition" can never trump a right enumerated in the Constitution. Scalia's failure to engage Souter's originalist arguments leaves the impression that he has nothing to say; and *Weisman* will be remembered as the case in which Souter challenged Scalia on his own terms, and won.

Scalia applies his "plain meaning" methodology in statutory interpretation as inconsistently as he applies his "originalist" methodology in constitutional interpretation. There is an apparent tension, first of all, between Scalia's insistence on consulting extrinsic evidence of the framers' intentions and his refusal to consult extrinsic evidence of Congress's intentions. Scalia's response is that "legislative history"—especially committee reports—is often unreliable evidence of the intentions of the average congressman.

But even if Scalia is correct, he has repeatedly interpreted the "plain meaning" of laws in ways that thwart Congress's clearly expressed intentions. Scalia wrote two of the seven opinions that Congress repudiated in the Civil Rights Act of 1991, and most of the other five relied on his "plain meaning" methodology. In some of the cases, the Court misconstrued intentions that Congress had expressed precisely the first time. In a 1991 case, for example, the Court held that Congress did not intend the Civil Rights Act of 1964 to apply to American companies employing Americans abroad. Although in recent cases the Court had presumed that Congress intended laws to apply overseas unless it explicitly said otherwise, Chief Justice William Rehnquist and Scalia resurrected an older rule, applying the opposite presumption. But they also ignored explicit language in the Civil Rights Act, declaring that Congress did not intend it to apply to American employers who hire *aliens* abroad. As Stevens pointed out in dissent, if the

Making Believe About The World Population Crisis

World population, now 5.5 billion, is growing by about 90 million every year, and is projected to reach 12-14 billion in the next century. Nevertheless...

We keep on **MAKING BELIEVE** that a world population of that size (or even our present size) would be sustainable for the long term.

We keep on **MAKING BELIEVE** that our already overstressed ecosystem could provide an adequate standard of living for such numbers.

We keep on **MAKING BELIEVE** that family planning alone, or education, or economic development, or all of these together, are capable of halting world population growth before it reaches catastrophic levels.

But ... if we keep on **MAKING BELIEVE**, and keep on **pretending** that these preposterous propositions are true, we are going to wind up where we are now headed: in a world of 14 billion impoverished people. Such a world would be a place where none of us would care to live, a world of almost universal poverty, with an ecosystem in ruins.

Negative Population Growth, Inc. (NPG) believes that the optimum size for world population is not more than two billion, and that a substantially larger population would simply not be sustainable indefinitely. (World population was two billion about 60 years ago.)

In our view, only if world population is reduced to that size can we hope to create a world economy that would be sustainable indefinitely, with an adequate standard of living for all, in a healthy environment. So many people profess to believe otherwise because they do not see how world population could possibly be reduced to an optimum size.

The conventional wisdom sees no way that world population can be halted short of 12-14 billion, and accepts that growth as inevitable. Rather than face up to the grim reality that such massive growth would bring on an economic and ecological catastrophe, conventional thinkers prefer to **MAKE BELIEVE** that all will be well.

But the truth is that sustainable development for a world of 12-14 billion people, is simply an **impossible dream**.

Toward An Optimum World Population

Further population growth on the gigantic scale now projected is **not inevitable**. If we could only summon the will, we could start **now** on the path toward a sustainable world population of not more than two billion.

To reduce world population size, we need a negative rate of population growth. For that, we need a below replacement level of fertility, which a considerable number of developed countries have already achieved.

If almost no parent on earth had more than two children the world's total fertility rate (average number of children per woman) would fall well below the replacement level (roughly 2.1). That is because many women choose voluntarily to have no children at all, or only one child.

A below replacement fertility rate will be tremendously difficult to achieve in the developing countries, where 90 percent of future population growth is projected to occur, and where couples typically want from three to six children. In 1992 the average fertility rate in these countries was 3.8.

In developing countries, there must be programs of real population control geared to family limitation (no more than two children) rather than to family planning alone. Family planning must be supplemented by non-coercive incentives to encourage the two-child **maximum** family.

In 1992 the world's total fertility rate was 3.3. According to the most recent United Nations projections, if present fertility and mortality rates continue, world population would grow to 109 billion in 2100 and 694 billion in 2150!!

By contrast, with a below replacement level fertility of 1.7, or about half the 1992 level, the United Nations projects that world population would peak at 7.8 billion in 2050, but then fall to 4.3 billion 100 years later. If we could only follow that path, the world would be well on its way to an optimum population of not more than two billion.

How We Can Help

The United States now devotes only about two percent of its foreign aid budget to international population programs. NPG advocates that we spend at least 50 percent of that budget, or about \$8 billion a year, to help finance programs of real population control in Third World nations.

Furthermore, we should encourage Third World countries to recognize that a replacement level fertility rate is a totally inadequate goal. That is because, even after replacement fertility is reached in those countries, the momentum of past growth would still cause their populations to almost double.

Let's Stop Making Believe

If we could only turn from **MAKING BELIEVE** to realistic analysis as a basis for action, **the world could achieve a negative rate of population growth that would set us on the path to an optimum world population of not over two billion.**

The fate of the world, and of all future generations, hangs on our success in achieving that goal.

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statute was not intended to apply outside the United States, the exception for aliens would have been unnecessary.

In 1982 Congress amended the Voting Rights Act to prohibit unintentional, as well as intentional, discrimination. Congress obviously intended the amendment to extend the scope of the act, which had always been understood to cover the election of state judges as well as state legislators. In two 1991 dissents, however, Scalia pounced on language in the amendment about giving voters the chance "to elect representatives of their choice." He argued that elected judges are not representatives "within the ordinary meaning of language"; so judicial elections should no longer be covered by the extended Voting Rights Act. Scalia seemed to relish the prospect of forcing Congress to live with a perverse result that it had not anticipated. The centerpiece of his odd argument: if all elected officials were "representatives," the Voting Rights Act would cover "the fan-elected members of the baseball All-Star Teams."

Finally, Scalia has joined habeas corpus cases in which the misconstructions of Congress's "plain meaning" seem even more willful. Over the past four years, Rehnquist has lobbied Congress to amend the habeas corpus statute in a way that would eviscerate it, requiring federal courts to defer to state courts if their legal judgments are "reasonable," rather than deciding independently if the judgments are correct. Congress has repeatedly rejected Rehnquist's proposals. Last June, however, Thomas, Scalia and Rehnquist not only indicated their willingness to adopt the relaxed standard of review, they denied that Congress had repeatedly rejected it. Instead of overruling the Warren Court cases that Congress had codified, all three pretended the cases meant the opposite of what they said.

In an exhaustive survey for the *Yale Law Journal* of all Supreme Court opinions repudiated by Congress in the last twenty years, William Eskridge of Georgetown Law School discovered that more than half relied on Scalia's methodology of "plain meaning" or general rules of construction. Only 20 percent of the decisions that were overturned relied primarily on legislative history. Scalia claims that being repudiated by Congress does not bother him, since his goal is to encourage Congress to express its meaning more precisely. But his tendency to misconstrue Congress's meaning even when it is precisely expressed suggests that his methodology often fails on its own terms.

Former Scalia clerks insist that Scalia genuinely struggles to be guided by principle rather than politics and is not aware of his own inconsistencies. "He is fundamentally Catholic and Christian," said one clerk, "and wants to believe what he is doing is true and good." In an early review of Scalia's jurisprudence, George Kannar of the University of Buffalo attributed Scalia's "constitutional catechism" to his education at a Jesuit military academy in Queens. Politically and religiously, Scalia was an archconservative in high school. "At the age of 17," William Stern, a high

school friend, told *The New York Times*, "he could have been a member of the Curia." In the 1950s Scalia moved on to Georgetown and Harvard Law School, where he was steeped in the Legal Process school of Felix Frankfurter and Henry Hart, with its scrupulous concern for neutrality and restraint. But Kannar argues that Scalia's religious education began his struggle to separate his personal preferences from his actions, to be "strong enough to obey." In this respect, Scalia bears a striking resemblance to another legal purist of the conservative Kulturkampf, Joseph Ratzinger, whose own Augustinian submission to the will of the law has just produced a new universal Catholic catechism.

In the cases where Scalia's passions are less engaged, there is no doubt that his principles sometimes do lead him to libertarian positions that conflict with his pro-executive politics. "Scalia's judicial asceticism requires him to reach results that are unjust," says Larry Kramer of the University of Michigan. "He reaches a result, he knows it's unjust and now he feels good about himself because he knows the law controls him, because this is a result he knows is crazy." A more sympathetic way of putting the same point is that Scalia sometimes enjoys being forced by his principles to take positions with which he disagrees. This distinguishes him from colleagues like Rehnquist and Byron White, who are so result-oriented that they often remove the legal reasoning from the drafts of their clerks. In a 1991 dissent, for example, Scalia's examination of colonial common law led him to conclude that a suspect could be held without a probable cause ruling for only twenty-four hours (O'Connor thought forty-eight hours was "reasonable"). In a recent speech at Harvard Law School, Scalia pointed to a 1987 dissent in which he held that a search and seizure had occurred as soon as a policeman touched a stereo. "I let people burn flags," Scalia added proudly. In short, even though Scalia often betrays his jurisprudential principles, these cases show that he deserves respect as one of the few justices who has a jurisprudence to betray.

Why do Scalia's passions overcome him in the most controversial cases? Part of the problem is the lack of intellectual debate among the justices of the Rehnquist Court. Traditionally, justices discussed their reasons before voting at conference; but Rehnquist, who is concerned about efficiency above all, changed the rules of the conference so that the justices now go around the table only once, to announce their tentative votes. There is also tremendous pressure to join draft opinions as soon as they circulate. Scalia, to his credit, has publicly proposed that no opinions should be joined until the dissent has circulated. For now, however, there are few opportunities for Scalia's colleagues to save him from his worst instincts.

But the most convincing explanation for Scalia's inconsistencies is that arrogance has blinded him to them. After interviewing scores of law clerks last April, Paul Barrett of *The Wall Street Journal* confirmed what is

obvious from Scalia's published opinions and questions at oral argument: that he has intellectual contempt for most of his colleagues. "What's a smart guy like me doing in a place like this?" he periodically asks his own clerks. Because his colleagues seldom check his excesses by engaging his arguments, his treatment of constitutional history has grown increasingly cavalier. Privately dismissing O'Connor and other justices as "politicians," he has convinced himself, as he wrote in a 1989 abortion dissent, that their less categorical approach to judging "cannot be taken seriously."

As a result, Scalia has been slow to acknowledge the rise of David Souter, an intellectual equal who is proving to be more scholarly, and less political, than Scalia himself. As Souter does the hard and lonely work of original historical research, many of Scalia's best ideas are increasingly derivative. In *RAV v. St. Paul*, the cross-burning case, for example, Scalia's ingenious extension of the First Amendment (he held that even fighting words and obscenity cannot be regulated selectively) was suggested by an amicus brief on behalf of the libertarian Center for Individual Rights, which relied on decisions by Richard Posner and Frank Easterbrook, two esteemed appellate judges in Chicago.

Souter's displacement of Scalia as the intellectual leader of the new majority is a dramatic reprise of Felix Frankfurter's eclipse at the hands of Hugo Black. The last academic to serve before Scalia, Frankfurter was so convinced of his own intellectual superiority, so busy condescending to his colleagues and dismissing them as "politicians" rather than "judges," that he failed to recognize the profundity of Black's competing judicial philosophy. As Black spent long evenings in the Library of Congress communing with original texts, Frankfurter went to dinner parties. ("Ah yes," Scalia joked to David Savage of the *Los Angeles Times*, who saw him leaving the Court in a dinner jacket. "Esteemed jurist by day; man about town at night.")

Eventually, Frankfurter lost the majorities he had commanded in his earliest years. His most cherished decisions were overturned—he had briefly convinced his colleagues to uphold mandatory flag salutes for Jehovah's Witnesses—and he was reduced to increasingly bitter and personal dissents. Today Frankfurter's stock among scholars is very low: many of his historical claims have been exposed as dishonest; his pro-executive bias appears sycophantic; and his sanctimonious claims about being guided by principle rather than politics seem self-deluded.

The resemblance continues to grow. One of Scalia's most controversial opinions, *Employment Division v. Smith*, said that "neutral laws of general applicability" do not violate the First Amendment, even if they have the "incidental effect" of making it impossible for minorities to practice their religion. The precedent on which Scalia based his theory, amazingly, was Frankfurter's infamous opinion in the flag salute case. (Scalia ignored the fact that the decision had been overturned.) In a 1991 case, Souter criticized Scalia's the-

ory; and scholars have collected extensive evidence—which Scalia also ignored—suggesting that the framers of the First Amendment intended to make exceptions for religious minorities. Eventually Souter could persuade a majority that Scalia's theory has no basis in the First Amendment, just as Black eventually abandoned Frankfurter.

Jurisprudentially, however, the roles have been reversed. Scalia claims to embrace the principles of Black: strict construction, constitutional literalism; objective rules over subjective standards. Souter, in turn, has taken up the mantle of Frankfurter and his disciple, John Harlan: respect for precedent; case by case balancing; Burkean continuity with the past. Souter's Harlanesque approach has its virtues, but at its worst, it leads to a refusal to work the law pure, preserving precedents—like *Roe v. Wade*—that were wrong from the start. In Black's hands, by contrast, strict constructionism led to some of the greatest civil libertarian decisions of the century, as well as to some of the most impressive demonstrations of judicial restraint (such as Black's dissent in *Griswold v. Connecticut*, the contraceptives case).

Black's principles are worthy principles; they deserve a champion who can apply them more consistently than Scalia has done. Many of the conservative criticisms of the Warren and Burger Courts, furthermore, were worthy criticisms. They should not be obscured by the hypocrisy of conservative judges, who have proved no less political—but far more self-righteous—than their liberal opponents. Instead of continuing to use the courts as an instrument of politics, President Clinton could end the cycle. He could appoint scholarly, principled justices—political liberals as well as conservatives—whose politics are genuinely distinct from their jurisprudence. (When interpreted scrupulously, constitutional text, history and structure should lead to liberal as well as conservative results.) As for Scalia, with some recognition of his own fallibility, he could play a genuinely constructive role in the future, rather than being reduced to writing sarcastic editorials. The best gift that Clinton could give to liberals and conservatives would be colleagues capable of challenging Scalia on his own terms.

Perhaps the Clinton justices could also persuade Scalia to re-examine his most conspicuous misreading of text and history, which occurs in his statement of principle itself. "I stand with Aristotle," Scalia says, in the view that law should be understood as a system of rules, rather than an exercise of personal discretion. But as Richard Pildes of the University of Michigan points out, this turns Aristotle on his head. Aristotle rejected the formalistic view of law as a series of fixed principles. Instead of applying straight rules to fluted columns, Aristotle argued in the *Nicomachean Ethics*, judges should be guided by the Lesbian Rule, a flexible strip of metal, used by the builders of Lesbos, that "bends to the shape of the stone and is not fixed." By betraying many of his own principles, Scalia proves a more faithful Aristotelian than he intended. •

BOOKS & The Arts

Stanley Kauffmann on Films

The Organizer

Cynics, repent. **Hoffa** (20th Century-Fox) is good. All the advance knowingness, the surety that a Hollywood film about a labor leader would sanctify or vilify, particularly if Jack Nicholson played the role and even if David Mamet wrote the screenplay, is exploded. Even the worry that it was directed by Danny DeVito, perpetrator of *The War of the Roses*, is misplaced.

What can we reasonably expect of a biographical film about a complex person? What point is there in such a film? Obviously it can't include all of the person's relevant actions or ideas: that's what books are for. A film ought to convince us that the very act of dramatization enlightens us about the person as character, as alembic of ideas. We want to feel that the cinematic experience of the life is enlarging, not exploitative. To a considerable extent, this was true of *Malcolm X*; to at least the same extent, it's true of *Hoffa*.

Mamet, more than skillful, understands all this. His subject is not labor history itself but Hoffa's character and the actions it produced. To underscore what Stanislavsky would have called a through-line for that character, Mamet begins at the end, or near it: in Jimmy Hoffa's car on July 30, 1975, as he waits at a roadhouse near Detroit for a meeting with a gangster. The film then flashes back to recount the life, returning often to the roadhouse as Hoffa waits. For hours. His willingness to wait is a comment on the outcome of the life that is being chronicled.

Waiting with him is a longtime friend, Bobby Ciaro, played by DeVito. Mamet

has apparently created Bobby out of several people who were close to Hoffa for years—to serve as confidant and counterweight. He is Italian and honest, at least as honest as Hoffa, in a film in which most of the Italians are mobsters. (Also, his tolerance of Hoffa's racial slurs about Italians is intended to show that Hoffa doesn't really mean them.)

We meet Hoffa when Ciaro does. On a wintry night on a country road in the early 1930s, the young Hoffa wakes up Ciaro, a truck driver who had pulled over for a snooze. Hoffa wants to recruit him for the then relatively small Teamsters Union. (This encounter was typical for Hoffa; see Arthur A. Sloane's fascinating biography.) Afraid of losing his job, Bobby resists, obscenely. Jimmy persists, obscenely, pointing out that Bobby had to pull over for a snooze because he is overworked; and Jimmy recognizes the burn scars between Bobby's fingers as further proof. Truckers light up to keep themselves awake so they can go on driv-

ing and make a living. Then they fall asleep with cigarettes between their fingers. At last Jimmy persuades Bobby. It is only Hoffa's first persuasion in the film.

Mamet then takes us engrossingly through the arc of Hoffa's career as union organizer and union officer, via a distillation of confrontations, meetings, illegalities, government investigations. In its 150 minutes, the film gives us what we want of Hoffa's life to justify its dramatization (as noted above), but it lavishes much more than data on us. It exudes the fervor, the sheer pleasure, that Hoffa gets out of his career: the exultation in the scraps—some of them literal—the enjoyment of success and admiration. We're also convinced that, though he loved scrapping, he wouldn't have plunged into these particular scraps if he hadn't wanted to improve the lot of workingmen.

When he begins, the Teamsters have fewer than 100,000 members; when he finishes, they are nearing 2 million, almost all of whom adore him. And, Sloane tells us, not only the Teamsters—some of the employers as well. One employer said: "I disagree with him on some things, but I admire him tremendously and like him very much. . . . He's actually a genius." A Harvard Business School eminence said that Hoffa might "emerge as one of the outstanding labor leaders of all time . . . some of the greatest saints had their schooling in sin."

"Sin" brings us to the hamartia in this near-Aristotelian tragedy, his association with gangsters. Hoffa talks with the mob early, with Ciaro as translator, because he needs strong-arm help in his union wars. In a struggle that involves bashing—a lot of it endured by Jimmy himself—he sees nothing out of order in enlisting specialists in bashing, who see ways for a strong union to benefit them. (Says Sloane: "The underworld leaders were no less obliging to Hoffa than they had been to their other allies—including, it should be noted, many politicians.")

This alliance, though it is never quite the camel's head in the tent, proves

FILMS WORTH SEEING

Intervista. *How to make a scintillating film when you have no film to make. Federico Fellini, conjurer of genius, summons up two hours of bliss in a rhapsody about his profession. (Reviewed 12/7/92)* **Malcolm X.** *Not the best that could have been done with the subject but a generally fiery account of an important life. Spike Lee keeps it all vivid if not first class, and the same is true of Denzel Washington's performance. (12/21/92)* **The Muppet Christmas Carol.** *If you like the Muppets, if you like Michael Caine, and if you are not too strict a Dickens purist, fun will be yours. Your children's, too. (1/4&11/93)* **Simple Men.** *Hal Hartley's latest confirms that he has unique writing-directing gifts, wry, humorous, quietly disturbing. About two brothers looking for their fugitive radical father. (11/9/92) —SK*

impossible to disentangle. The screenplay shows how it engages the attention of Robert Kennedy, who, first as a Senate committee counsel and later as attorney general, is obsessed with "getting" Hoffa, although he never does. (Hoffa was finally ensnared not by mob associations but—which the screenplay does not clarify—by attempts at jury tampering in a trial of his and by a real estate deal. He spent nearly five years in prison before President Nixon, politically motivated, commuted his sentence.)

The film sizzles with Hoffa's contradictions, his quirks and loyalties, his courage and his conspiring. What is scanted is his family life. His wife appears mostly on the platform with him at tumultuous union meetings, but she was much more to him than a showpiece for the members. He was a fanatically faithful husband among cronies who were frequent call-girl clients. He was a zealous father, as puritanical at home as he was profane elsewhere. A pity that this contradiction couldn't have been included, too.

While Hoffa is in prison, union power shifts. When he is released and tries to regain his place, he is rebuffed. He goes to the mob for help, but they like the way things are. Hence the ending.

That ending, the specifics of it, is Mamet's invention—nobody knows what really happened—and it's his most problematic touch. The film would have been better off with an unspecific ending, a clear indication that Hoffa was going to be done away with and a closing title telling us that, for the FBI, the case is still open. Instead we see the killing as imagined by Mamet. There's no intrinsic reason for this killing to have been delayed five or six hours at the roadhouse, and there's no way the killer could have known that Ciaro was, at that moment, unarmed. The hit men then bring up a truck to take away Hoffa's car with his body in it. In point of fact, the car was left there, empty.

But Hoffa's color, flash, egotism, bulldog brutality, bulldog tenacity are all in the film—the guts, the crassness and cleverness, together with a top man's blindness to the turning of the calendar page. Who is the American actor who could best embody all these qualities? Exactly the man who plays Hoffa—Jack Nicholson.

With little cosmetic change—chiefly a Hoffa haircut—Nicholson looks right; and he inhabits the man. To put it riskily, he doesn't merely act the role, he revels in it. If there is an occasional tinge of overacting, we're eager to excuse him because the whole is so fine and because the overacting could credibly be Hoffa's own. There's a third reason: Nicholson, who to my knowledge has never acted in the theater, is nonetheless theatrically

large, sometimes a touch outsize. (Some powerful singers, we're told, occasionally crack wine glasses.)

Two others in the big cast need special mention. Armand Assante, as a mob lieutenant who becomes a capo, shows again that he was born to fill a screen—easily. As Ciaro, DeVito is vital and endearing.

And he does it while directing energetically, enthusiastically. The film could have been visually repetitious with its recurrent meetings and conventions, but DeVito finds fresh ways to treat them. He has a liking for two old-timey devices: the very intense close-up to end a sequence (he zooms in on one of Ciaro's eyes at the end of the first sequence as if moving into the memories

in his head) and the segue through blending (applause at the end of one sequence blends into the applause that begins the next). But their old-timiness fits the period.

Above all, as if wanting to match the size of Hoffa's life and of Nicholson's acting, DeVito lays in immense crowd scenes (well shot by Stephen H. Burum). The clash of pickets and strikebreakers in a large square, the tidal wave of the press corps flooding down courthouse steps, the turbulence of a waiting crowd seen through a large window as leaders converse in the foreground, the almost manic celebration at a union election—DeVito choreographs them all splendidly. Did he study Eisenstein? •

Tradition and the National Talent

BY MICHAEL LEVENSON

English Music by Peter Ackroyd

(Knopf, 400 pp., \$23)

"She walked between the leafless poplars and, when a woman crossed her path, instinctively Evangeline looked away. She looked down at the ground. So I have no connection with the world, she thought."

—Peter Ackroyd, *First Light*

"I never know where anything comes from, Walter."

"Comes from, sir?"

"Where you come from, where I come from, where all this comes from." And he gestured at the offices and homes beneath him. He was about to say something else but he stopped, embarrassed; and in any case he was coming to the limits of his understanding."

—Peter Ackroyd, *Hawksmoor*

Here is where Ackroyd began, and where he still begins: with the disconnected life, the wandering soul, the anxiously floating self that knows dimly that it has been torn from some large warm body but doesn't know why, or when. The condition pervades his work, and leads to a good, gloomy, interesting paradox: life on the margins is the universal norm. The center is an optical illusion, and those who seem to stand there, gleaming with power, only occupy another margin; beneath their aura of dominance, they shudder with the same disease. The suicidal astronomer, the melancholy anthropologist, the obsessed detective, the hysterical waiter, the

manic civil servant—no one knows how to live.

For a decade now Ackroyd has been a writer of fiction, and when he wasn't producing one of his six novels, he was writing biographies (one on T.S. Eliot, one the massive *Dickens*), or reviewing books, or giving interviews. The word count alone is breathtaking. Now with *English Music* a ten-year process appears to have run its course. Ackroyd hasn't just produced another novel; he has arrived somewhere, and it's suddenly possible to see the arc he has traveled.

Possible, for instance, to see the extent to which Eliot and Dickens were more than just big salable biographical subjects for the '80s: they were major imaginative resources for Ackroyd, two sharply contrasting angles of vision that gave him more than one eye to look through. From Eliot he absorbed a quick sensitivity to spiritual waste, an alertness to the death in life that too easily passes for human existence. From Dickens he took quite another thing, an endless delight in carnival, the love of "the bright surfaces and the powerful stories, the vivid unnatural colors," the passion for energy even in, maybe especially in, its most grotesque forms. Where Eliot saw a wasted hollow self, Dickens found a frantically leaping puppet; and now Ackroyd sees both. Disease and energy—this potent compound is what he has

drawn from his two large predecessors and what has given him his fertile oddity. Ackroyd has recognized like few others the theatricality of the crippled soul, the campy excess of spiritual desperation.

Not surprisingly, within the wide and generous grasp of postmodernism, Ackroyd has been easy to hug. He tells his stories of the broken life not in existentialist gray, but in the bright yellows and blues of the Serious Goof. He has parodied and pastiched with the best of them; he has wiggled and winked. After he came back to his beloved London from two years of graduate study at Yale in the early '70s, he issued a manifesto, *Notes for a New Culture*, and to read it now is to marvel at how quickly Ackroyd recognized the coming of a new crusade.

The force of his sharp polemic was that English national culture had failed. For centuries, it had ignored the advanced current of European ideas that had made a modernist revolution possible, and now that the fuller reaches of the revolution had been achieved, the poverty of England was painfully visible. It had remained within the boundaries of tired humanist values—"realism," "tradition," "the self"—long past their obsolescence. All over the Continent, poets and philosophers had seen "the death of Man" and the rebirth of a free and independent language that did not serve Man. Meanwhile, the benighted English clung to a belief in the humanizing power of art, ignoring Mallarmé's insight that literature does not exist for the social good, that on the contrary, "Everything exists to end in a Book."

In 1982 Ackroyd began a career as a novelist, no doubt with his *Notes for a New Culture* spread open on his lap. His first novel, *The Great Fire of London*, gave us a young woman possessed by Dickens's *Little Dorrit*, which uproots her from her clerkly routines and urges her to a violent destiny. *Hawksmoor* (1985) imagines murderous forces stretching through time, linking a Satanic seventeenth-century architect and a fast disintegrating modern detective who are bound by the geography of London and the design of its churches. *Chatterton* (1987) meditates on the forgeries of the early-dying eighteenth-century boy poet and expands into a comic subversion of the boundaries between the fake and the genuine. In their separate ways these works all rely on the now familiar postmodernist goad: Text, not Sex, is the power that drives lives, and what we call the real is merely the latest successful invention of a world.

They are quick, curious, kinky and original things, these novels, which

nevertheless offer easy handles to those who sort literature for a living. The only academic article on Ackroyd appeared just a few months ago and predictably tied a neat postmodernist bow around its package. But the essay has appeared just in time to be obsolete: Ackroyd is up to something else now, something that forces us not only to revise our view of his career, but also to think harder about the commonplaces of postmodernism.

In the early sections of *English Music* a spiritualist named Clement Harcombe gathers around him a circle of broken lives who turn to him to inspire belief. This he pompously does. But then in a bleak moment, Harcombe admits to his son, "Everyone's life is like that, Tim. Frail. Always very frail. . . . It takes only one accident, one crisis . . . and everything is torn away. The whole edifice collapses, and there is nothing beneath our feet any more. That's when we start falling." And by "we," Ackroyd means us.

For a time, in his early work, he saw no end to the anguish of living without foundations—no end beyond a last acrobatic leap into the abyss. In *The Great Fire of London*, or in *The Last Testament of Oscar Wilde* (1983), he gave nothing more consoling than the splendid flare at the moment of extinction when some twisted soul burns out of its suffering. There was nothing to hope for, nothing beyond a camp nihilism that grins in the flames.

Then at some point, difficult to fix precisely, Ackroyd began writing his way into new convictions. The earlier insight, dripping with comic juices, that we are rudely coerced by scripts from the dead past, gave way to the thought that those scripts may be the best things we have. We late moderns may be the living dead, but we needn't surrender all hope: the true dead are all around us. If only we can learn to meet them, to acknowledge them, to weave ourselves into a compact with them, then we may all come alive together.

On the facades of London buildings, found usually between door and window, blue plaques mark the fact that here a politician schemed, a writer composed, a scientist pondered, a hospital stood, a prison incarcerated. You simply can't overestimate how excited Ackroyd grows at the thought that *on that very spot* Johnson talked or Blake dreamed. *Dickens walked here*. More than any infatuated tourist can imagine, Ackroyd now nourishes his writing on the excited recognition that to move through London is to collide at every moment with benevolent ghosts asking nothing more than to haunt us back to life.

As his career has gone on, he has more than indulged, he has passionately succumbed to his fascination with the past—its distance, its presence. "My general obsession with the past," Ackroyd has said, "I don't understand it; it just suddenly started happening." In *English Music* Clement Harcombe surely speaks for his author when he says that our world is "dominated by the dead. By the spirits of the past." For Ackroyd the clearest sign of our crisis is the failure to acknowledge this fact, the failure to acknowledge our neighbors, the ghosts. In *First Light* (1989) the shattered bureaucrat Evangeline Tupper "thought of her own parents, and their parents before them; they were strangers to her. But somehow worse than strangers. Somehow they were her enemies." When the past is alien and the continuity of generations broken, then—thinks Ackroyd—you arrive at the pretty pass where we find ourselves. *English Music* means to show the way home.

In the years after the First World War, the Harcombes, father and son, Clement and Timothy, perform spiritual exercises in a seedy theater in the East End of London. With his hand on the boy's head, the elder Harcombe summons energy from beyond the grave and heals the wounded living. Nervous seizures disappear; depression is lifted; back pain is relieved. Timothy, who sees the visible evidence, never doubts his father's power. But when the boy leaves London, taken to the country to be raised by his dead mother's parents, the father's power fades. He deserts the circle of his dependents and gives up his spiritualism. Was it Timothy then who held the charm that he attributed to the charismatic father?

Yes—and no. Ackroyd builds this plot contrivance in order to write an allegory of English tradition. Son and father separate, reunite, quarrel, confess, and reconcile, and in their changing relations the novel renders the marriage of past and present. A visionary gift passes between the generations, but, as Ackroyd is at great pains to suggest, the gift is not something any one individual can hold; it lies in the act of inheritance itself. The visionary charge resides in the activity of generational passage—the giving not the gift. Climactically, Timothy realizes that "it seemed such an abstract category, inheritance, and yet it glowed with all the power of the world."

The showy technical maneuver in the novel is to alternate present-tense chapters in young Timothy's story—his parting and then his reunion with his father, his discovery of friendship, his sexual

awakening, his spiritual revelation—with chapters in which he loses ordinary consciousness and walks inside the great imaginative works of the past. The first time this happens he finds himself inside a bizarre composite landscape, half *Alice in Wonderland*, half *The Pilgrim's Progress*. The second time he falls into *Great Expectations*, where he encounters both Dickens and his characters. Then Robinson Crusoe on his island, William Hogarth and his engravings, Thomas Malory and Merlin—and so on.

Partly, this device belongs to a frankly visionary project that Ackroyd has been approaching for years. "The mystery of time, and how to journey from time into eternity"—this is the way *English Music* describes the goal. The task is to escape the cycles of futility in our fallen world and to glimpse the eternal truth. But very notably Ackroyd offers no religious perception as the guarantor of the vision; he seeks the vision without the belief. In place of faith *English Music* offers the imagination, and in place of God, the past. On this grand subject Timothy's friend Edward quotes an aptly titled book called *The Secrets of the Fallen World*:

Past acts or past traditions are not necessarily lost in time, therefore, because they can be re-created in the imagination; not

relieved as part of the endless cycle of the generations but restored in their absolute and unchanging essence. Thus do they become part of that eternal present through which the imagination lives. Similarly the evidence of past civilizations, of past lives, can be renewed and enter that state of permanent reality which the imagination bestows upon it.

But which past, and whose past? The answer is unequivocal: the English past, that's whose. When they arrive home from a hard night's spiritualism, Timothy and his father sit and eat and chat. They never talk about their work directly:

Instead we discussed what he used to call "English music," by which he meant not only music itself but also English history, English literature, and English painting. With him one subject always led to another and he would break off from a discussion of William Byrd or Henry Purcell in order to tell me about Tennyson and Browning; he would turn from the work of Samuel Johnson to the painting of Thomas Gainsborough, from pavaues and galliards to odes and sonnets, from the London of Daniel Defoe to the London of Charles Dickens. And in my imagination, as he talked, all these things comprised one world which I believed to be still living—even in this small room where we sat.

That there is an English music, that it

shows itself in every cultural domain, that it sings as clearly through English philosophy as it does in English poetry—on this theme the novel is relentlessly lyrical. But back at the start of his career Ackroyd had hummed a different tune. In *The Great Fire of London* he savaged the Rule Britannia complacency of an unctuous bureaucrat from the Film Finance Board, Sir Frederick Lustlambert. With freezing irony he gave Sir Frederick's prideful image of "a great English classic . . . being filmed in this country, with our superb reservoir of English actors, our pool of English technicians." Now ten years later, the Englishness of the English—"the one true shape of Britain"—is Ackroyd's unrelievedly cherished motif. In *English Music* William Hogarth rises from the grave and earnestly testifies that "my own desire of excellence impelled me to fix my attention upon English life: English nature was to be my subject, and English people to be my audience." Here at the end of his decade, Ackroyd can chant the word "England"—"Of time. Of continuity. Of England"—without irony, and nearly without cease.

So the parade of cultural masterworks in *English Music* is more than the latest Romantic imagination-cult. It is

SCHOOL CHOICE

With a foreword by
ERNEST L. BOYER

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Washington Post . . .

Imprecise definitions confuse this long-running education debate; a scarcity of information confounds it. What are these plans and just how do they influence neighborhood schools and student achievement? The Carnegie Foundation for the Advancement of Teaching set out to answer these questions. . . . This report has been branded anti-choice. It's nothing of the sort. It's a reality check for those who think allowing families to pick their schools will, in and of itself, change all schools for the better. As Ernest Boyer, former education commissioner and Carnegie president, says, choice is an enrichment strategy, not a replacement strategy. And there's little choice unless all schools are worth choosing.



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an eye-catching act in the politics of culture, a fervent gesture of literary nationalism, a recent extravagant contribution to the revival of national identities. In these bad days our picture of nationalism is darkly blotted with images of bloody ethnic war. But it would be dangerous to forget that the fetish of Nation shows itself in many less overtly violent ways. Ackroyd has come to some hard conclusions that he unshrinkingly records. We are lost lonely souls; only the imagination can save us; and it can save us only by reanimating a national past.

“At moments of great change,” reflects Timothy, “it is customary to return to the scenes of an earlier life.” He means merely to be indicating the strength of his own nostalgia, but he might well be describing the present crisis of Europe. In the face of both the Maastricht treaty for a federal Europe and the erupting claims of rival ethnicities, Ackroyd’s instinct, like many another, is to recall (or to imagine) a pure nation that was. When the British tabloid *The Sun* blazed its famous anti-Europe headline, UP YOURS DELORS, it was scarcely more resolute in its refusal of a transnational, multicultural future than *English Music*. At one point the elder Harcombe meditates on “the spirits of a nation” and observes, “You know when you are in England, don’t you? How different it is from the atmosphere of France, and how different France is from Germany? We might even call this the spirit of the past. The spirit of time. It is part of us, you see.”

The book goes on like this, with no particular subtlety but with the doggedness of a mind that has grown impatient with a love of the subtle. The English, French and German are different and inassimilable—Ackroyd takes this as brute fact. He wants nothing of Euroculture: he acknowledges no such thing. But it won’t help to get sniffy and to call this a low provincialism, pabulum for the right; too many left cosmopolitans have also felt the need to phone home. For all the cranky overinsistence of the book, *English Music* registers a condition worth marking: that identity develops inside a language, which unfolds inside a tradition, which bears the ancient traces of nation. Whatever happens in Europe or anywhere else, it will be good to remember that the entrenchments of consciousness cannot simply be willed away.

“You have inherited all that you possess”—this insidious half-truth (“all”) shows just how far Ackroyd is willing to go. For him there can be no point in pursuing a multinational community, a

new Europe, because you can never invent a community, you can only inherit one. In pressing this theme, *English Music* takes its most disagreeable turn and threatens to sink beneath a nationalism into a racialism. Toward the end of the book, Timothy wonders what he had “inherited from all of these people, from previous fathers and sons,” and once the test of inheritance becomes a matter of fathers and sons, then it is easy to see how nation can transmute to race. The critic John Barrell has already noticed that given the novel’s setting in the East End of London in the 1920s, the absence of Jews is notable—notable, yes, but perfectly predictable. It follows swiftly from the view of English imagination as its own pool of literary genes, separate from any other pool, including the pool of women, who appear as a strange race of their own. The novel is unabashedly masculinist. Women are no more than carriers of male imagination; when it comes to visionary inheritance, a King bequeaths a throne to a Prince.

Impurity had once been Ackroyd’s greatest virtue, his jaunty willingness to combine literary speech with T.V. talk, to mix up the tacky with the solemn, to let his gays and lesbians camp up the prose with stagy verbal struts. In those days no titter was too silly for his form of seriousness. But now the sex and the speech have straightened out, and as *English Music* unfolds, the vestiges of play drop aside, leaving the sentimental lyric of England for the English, a grand nation preserved by its artists, musicians and writers—all this from a man who began his career by mocking the provincial stupidities of his home island.

As the culture heroes of England make their stately parade through the novel—Chaucer and Shakespeare, Malory and Milton, Constable and Keats, Turner and Tennyson—they become at last a gloomy procession, because they lose their distinguishing marks. In Ackroyd’s theory of nationhood, nothing deep ever changes: English genius has only one identity behind its many masks. As a feeble masquerade of Blake puts it:

So men pass on but the nation remains
permanent for ever.
All things acted on this island are in
Chaucer’s verses
And every age renews its power from his
winged words.
As one age falls another rises, different to
mortal sight,
But in substance ever the same.

Or as Timothy elsewhere says of English

Music: “The instruments may alter and the form may vary but the spirit seems always to remain the same.”

National greatness issues from a changeless identity, and one can’t help but think, how sad. How sad, and finally how banal, that the yearning to belong must imply an endless return of the same sweet song. In the tedium of the book’s pyrotechnics—one weakly impersonated genius after another—lurks a lesson for certain high-shouldered defenders of the literary canon who claim that greatness is good enough, and that monuments alone can feed a culture’s need. Ackroyd inadvertently shows just how closed and airless the history of the great can be, when so little more is said than that they were great, and still are great, and isn’t that great?

The politics of postmodernism show their troubling intricacy in the case of Ackroyd. The assault on the absolute—Absolute Reality, Absolute Truth and all their close cousins—has been taken to carry a progressive social charge: the “tyranny” of one truth to which all texts must correspond yields to the “democracy” of many versions of many truths. But Ackroyd’s example points up the hollowness of the political analogy. Ackroyd is the Tory postmodernist: now we know that there can be such a thing. He still regards the Text as not the reflection but the source of experience. He still sees “reality” as an artifact of the imagination. He still suggests that the “truest Plagiarism is the truest Poetry.” And yet these contemporary maneuvers, so often held up as acts of subversion and liberation, are here put in the service of a Tory nostalgia. Ackroyd may croon the fashionable tune, “There is nothing outside the Text,” but he now adds the chorus, “And only the best English Texts will do.”

All truths may be relative, but some are closer relatives than others. Some beliefs live so near at hand that in times of instability they serve as a place of rest even for the campiest skeptic. *English Music* is a dull book by a lively writer, and for what it most broadly implies, it is as significant as a dull book can get. Its nationalism has nothing of blood and guts; it appears rather as a shelter for a rarefied sensibility that has finally abandoned the desire to pass from identity to difference. But its high literary tone cannot mute the low political bass, the soft, ominous sound of settling dust.

MICHAEL LEVENSON is professor of English at the University of Virginia.

Morality and Mortality

BY RICHARD WHITE

American Holocaust: Columbus and the Conquest of the New World by David E. Stannard

(Oxford University Press, 358 pp., \$26)

At the conclusions of the first launchings into space in the 1960s, an odd ritual was performed on the naval vessels that retrieved the manned space capsules from the sea. The rescued astronauts were temporarily isolated, like exotic and possibly dangerous specimens, and kept under watch by scientists. Fear for the health of the astronauts sparked this ritual isolation. What if they had returned with a new or altered bacteria or virus? They might have launched epidemics and killed millions. Such a rapid spread of a new disease among a human population with no previous exposure is known as a "virgin soil epidemic." The Black Plague in Europe was a virgin soil epidemic. AIDS is a virgin soil epidemic. But the greatest of the disasters conjured up by those shipboard rituals arose from explorations nearly five centuries earlier. In North America and South America following 1492, virtually every epidemic disease imported from Europe and Africa was a virgin soil epidemic. And the result was a demographic collapse not equaled before or since.

The arrival of Columbus in the Western Hemisphere, which had long been isolated from the rest of the world, marked the beginning of an ecological exchange of plants, animals and pathogens that proved catastrophic for Indian peoples. Virgin soil epidemics sent death rates soaring to 90 percent and more in many Indian communities, and the consequences shaped all the history that followed. Today Africa is inhabited largely by descendants of people who lived there before European colonization, and Asia is inhabited by people whose ancestors preceded European colonizers; these continents shared a common disease pool with Europe. Australia, by contrast, an island continent, is occupied largely by descendants of Europeans, and North and South America are occupied largely by people whose ancestors were Europeans, Africans and Asians. Disease explains most of the difference.

Over the last twenty years, historians, anthropologists, archaeologists and demographers have spent a considerable amount of time trying to understand the scale, the causes and the consequences of this demographic disaster. In his new book David E. Stannard builds quite selectively on their research, while criticizing them for failing to proclaim what to him is a perfectly obvious truth: that the demographic collapse in the New World was the result of genocide fueled by racism. It was neither "inadvertent nor inevitable." It was, in fact, part of the road to the Holocaust; and like the German Holocaust, the American Holocaust revealed the deep and incurable corruption at the heart of European Christian cultures.

In making his case Stannard does the opposite of gilding the lily; he takes the horrible and seeks to make it worse. It is sort of the intellectual equivalent of installing gas furnaces in hell. He doesn't seek mere instances of genocide; he seeks five whole centuries of genocide. He won't settle for a population reduction of nearly 50 million in the first half century of contact; he insists on a reduction of at least 60 million to 80 million, and possibly more, in two-thirds the time. And he doesn't want any historical complexity or ambiguity in the discussion of the causes of the horrors that transpired on the continent. He wants to locate these causes in the allegedly life-denying, body-hating, anti-sensual core of Western culture. Stannard has declared war on the past; and the reader quickly senses that those who are not with him are themselves a part of the same genocidal and racist tradition.

Stannard's basic approach emerges in his treatment of what is one of the most tangled of historical problems: the number of people alive in the Western Hemisphere in 1492. It is true that old estimates were ridiculously low, because they did not take into account the impact of disease on Native American populations. Still, recalculating the figures has been a tricky enterprise. Questions about when diseases first struck,

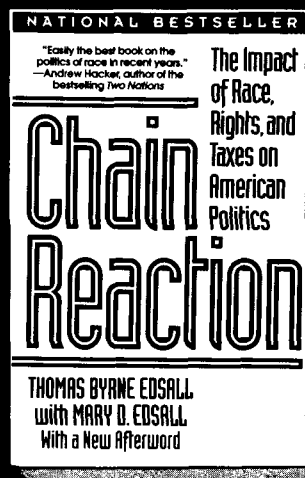
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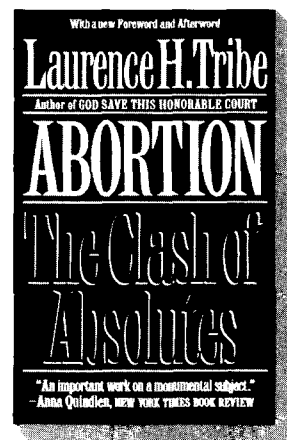
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whether there were periods of recovery between epidemics, whether rates of decline among one people can be used to calculate rates of decline among others, and the reliability of early population estimates all enter into the debate. Stannard tends to cut through all this difficult material by adopting the estimates of Henry Dobyns, an American anthropologist whose estimates have been largely rejected by most historians, anthropologists, archaeologists and demographers.

Thus Stannard declares that today "few serious students of the subject" would put the total hemispheric population at less than 75 million to 100 million in 1492, with 12 million of these north of Mexico. And "one of the most well-regarded specialists in the field" (that is, Dobyns) has suggested a more accurate estimate of around 145 million for the hemisphere as a whole, with 18 million north of Mexico. By way of comparison, Europe had 60 million to 70 million people in 1492. But the geographer William Denevan has just compiled and tabulated the numerous recalculations of population that have taken place between 1976 and 1992, and these presumably serious studies of historical demography come up with considerably lower figures. Denevan's estimates show roughly 54 million for the Western Hemisphere. Moreover, he admits a range of error of about 20 percent, and thus thinks the actual population was somewhere between 43 million and 65 million. His estimate for North America is 3.79 million, which is a small reduction from his earlier estimates.

Stannard's desire to establish a very large population in 1492 is tied to his intention to show a campaign of calculated genocide greater than any other in human history (including that of the Nazis). The more people alive in 1492, the greater the population decline, and the greater the genocide. Thus Stannard has a population loss of 60 million to 80 million by the end of the sixteenth century, which is a reduction larger than the more widely accepted *total* population estimates for 1492.

There are two questions here. What is the connection between disease and the actions of the conquerors and invaders? And do these actions amount to what we consider genocide, that is, to the deliberate and systematic attempt to eliminate an entire racial or national group? That disease and European atrocities both played a role in the decline of Indian populations is absolutely undeniable. But arguments such as Stannard's do not so much correct a deficiency in the newer scholarship as obscure its best insights.

Since the worst virgin soil epidemics elsewhere in the world have usually claimed roughly 40 percent to 50 percent of a population, it is important to establish why so many virgin soil epidemics in the Americas resulted in death rates of more than 90 percent. The new scholarship has stressed two factors: first, that Indian peoples often faced the simultaneous onset of more than one disease; and second, that conquering armies and slave raiders contributed to the astonishing death rates endured by Indian peoples, even though the direct casualties they inflicted were a minor part of the toll. For every person who died directly by the sword or the whip, many more died from disease in the famines that followed. For every laborer who died in a mine, many more probably died in villages of malnourished people deprived of workers and land.

Given the medical practices of the time, being well fed, well housed and well clothed were probably the major influences on whether victims, all other things being equal, recovered from disease. When epidemics struck, towns deprived of productive adults, towns whose crops were destroyed or commandeered and villages whose inhabitants had scattered to escape slavers or conquerors were vulnerable. Feeding and caring adequately for the sick became impossible for many groups. And insofar as Europeans deprived Indians of food, shelter and care, they were clearly culpable in the death rates.

Even when the intentions of the Europeans were more benign—even if they were, by our standards, misguided—their actions yielded similar results. Thus missions, too, created demographic disasters. The missions to which Indians came, by force or voluntarily, could be virtual pesthouses. They reduced population as effectively as the sword. Particularly in the fifteenth, sixteenth and seventeenth centuries, Europeans were culpable in the deaths of millions of Indians whom they did not necessarily wish to kill as much as to conquer and to exploit.

For Stannard, however, this kind of culpability is unsatisfactory. It lacks an uncomplicated intentionality; it is insufficiently depraved. He wants a verdict of mass murder, and he is not about to accept manslaughter. And so he usually treats disease and slaughter as separate accounts, population decline being their sum. How they worked synergistically goes largely unexamined. Stannard concedes that disease killed far more than violence, but he devotes his most graphic accounts to slaughter. In the cen-

turies that follow 1492, obviously, it is not hard to find accounts of appalling slaughters; and so much of Stannard's book consists of atrocity stories that their cumulative effect on the reader is considerable. There is an endless catalog of massacre and murder, of babies having their heads smashed against trees or rocks, people being burned, dismembered, maimed and mutilated in amazing fashions. These are horrible stories, and if they are not all certainly true, most of them are probably true. All are at least plausible.

Stannard emphasizes the direct toll, rather than the indirect toll, of the violence. Yet in his desire to increase the body count, he occasionally undercuts his own argument that massive population decline was not "inadvertent or inevitable." Recent archaeological studies indicate, for example, that diseases, spreading from native group to native group, brought significant population declines in some areas well before Europeans actually appeared. When the first Europeans arrived, they counted only remnants of earlier, larger populations. Stannard uses these sources to claim that "even figures of 95 and 98 and 99 percent may time and again be too low," because they are calculated from already reduced figures and entire peoples had already disappeared. But if entire peoples had disappeared without direct European involvement, then it would seem that European acts, no matter how heinous, made little difference in the final result. The decline would seem "inadvertent and inevitable." Once it was present, disease did its grim work with or without Europeans.

To consider seriously whether the decline was inevitable requires that we pay some attention to instances in which Indian populations did *not* decline. Stannard seems reluctant to do this, as it might diminish European culpability. Thus he avoids altogether the interesting paradoxes of post-contact demography. Some Indian peoples, for example, actually increased in number between 1492 and the early twentieth century, when Indian population as a whole reached its nadir. The Navajos, now the largest Indian nation in the United States, grew in population while peoples around them declined. Other peoples in the western Great Lakes reversed their declines for a considerable period during the eighteenth and early nineteenth centuries. The Lakotas were increasing in numbers during the late eighteenth and early nineteenth century while peoples around them continued to diminish. Thus decline was not inevitable in at least some situations.

Such anomalies raise interesting puzzles about how and why peoples grow or decline in numbers, but Stannard does not mention them. He has found a much larger answer: genocide. I want to be absolutely clear. Instances of what can only be called genocide *did* occur against particular Indian peoples repeatedly during the long European invasion of America: the actions of white settlers in Northern California and southern Oregon, for example, were genocidal in intent and often in consequence. But finding specific instances of genocide does not make the entirety of American Indian policy genocidal. Mass murder and slaughter do not, as Stannard emphasizes about Europe, amount to genocide, which is the purposeful, systematic attempt to eliminate an entire people.

As he does with disease, Stannard feels compelled to make his case by amplifying actual events that are brutal and horrifying enough to begin with. He moves across the familiar terrain of slaughter, from the massacre of the Pequots (more than 300 dead at Mystic Fort, with more killed later), to the butchering of the Cheyenne at Sand Creek (more than 200 dead), to the slaughter of the Lakotas at Wounded Knee (at least 150 dead, probably more). These were killings as murderous as any on the continent. Still, except in the case of the Pequots, the numbers do not amount to genocide. In the United States the net Indian population loss was (using Denevan's estimates) at least 3.5 million; that is, massacre on the scale of Sand Creek, Wounded Knee and Mystic Fort was morally reprehensible, but it was demographically insignificant. The vast majority of Cheyennes and Lakotas were not present at these attacks, and survived. Many of the Pequots survived by joining the Mohegans, who appear to have been merely a political division of the Pequots.

Moreover, Stannard skips bloodier but more ambiguous slaughters perpetrated by Indians upon other Indians, or by combinations of Indians and whites on other combinations of Indians and whites. His tour of Tenochtitlán, the capital of the Aztecs, mentions its wonders, but it ignores the slaughter of sacrificial victims at its center. (When he does mention Aztec sacrifice in another context, Stannard says that the numbers involved were probably exaggerated, an accusation he makes against precious few other numbers in this book.) He overlooks the destruction of the Apalachee missions of northern Florida, where Indian allies of the English killed at least 3,000 people between 1701 and

1704 and enslaved or drove out many more. He does not treat the destruction of the Hurons (18,000 to 22,000), Petuns (c. 9,000), Eries, Neutrals and Wenro (populations unknown), who all fell before the Iroquois and smallpox. All but the Hurons disappeared as organized groups. These episodes involved far more deaths than most of the North American atrocities Stannard mentions.

The Indians who were raiding and conquering in these instances were enmeshed, of course, in European imperial and trade systems, but that is the point. What is absent from Stannard's account is the long, tangled history of the continent in which groups of Indians attained considerable influence and control at the expense of other Indians. They made an accommodation with the European empires and republics that intruded on their world. That these accommodations did not last indefinitely does not mean that they were not historically significant for centuries at a time. Europeans often needed Indians as allies and trading partners. They feared Indians and sought to co-opt them.

The relations between Europeans and Indians, in sum, were significantly more complicated than the relations between killers and their victims. Indeed, for centuries in North America warfare took place not so much between whites and Indians as between various alliances of Indians and whites. In Stannard's rewriting, however, the English regard Indians only as an "impediment." And the French empire, which depended so heavily on Indian allies, never really appears in his narrative at all.

I am not aiming at a cheap or easy "balance." I do not mean to propose another "well, they killed whites (and each other), too" argument. By any sort of moral calculus of the conquest, Europeans emerge with a rather hefty surplus of guilt, and Indians with a spectacular deficit. But history is not a morality play. History is an account of human beings trying to make sense of the world and to maintain their lives in it. And it is precisely the complexity and the ambiguity of that endeavor that accounts like Stannard's miss.

It is not that he is a great friend of the Indians, either. Stannard's devotion is less to Indians than to moral purity. This is apparent in the comparison between Europe and the Americas with which his book begins. Now, it is true that older accounts of contact often opened with idiotic and vicious accounts of the Western Hemisphere, but Stannard offers less a revision than a revenge. He denies

that he wants to reverse old stereotypes, but this is largely what he does: he has produced a mirror-image of what he opposes, a standard nineteenth-century chronicle of Indian atrocities against whites turned on its head. Where the old accounts offered Iroquois cannibalism, Stannard gives us French and Italian cannibalism. Where the old accounts told stories of starving Indians, Stannard describes chronically famished Europeans. Europe was a vicious pesthouse with the dead lying in the streets, the specter of starvation everywhere, and those not yet dead thinking up painful and imaginative ways to kill each other.

Stannard wants his arguments clean and his genocidal intentions pure, and so he edits out a lot. His editing shows up also in the quotations that he adduces and those that he fails to adduce. It is not hard to find bloodthirsty, openly genocidal rhetoric in North America, and Stannard gives a good sample, but it is just as easy to find proclamations of friendship and aid to Indians. Of course, matching such declarations against Stannard's calls for mass homicide does not really clarify things, any more than pointing out that Europeans and Euro-Americans could both give smallpox blankets to Indians and inoculate them against smallpox. To understand what happened, we have to try to hold contradictions in view.

The contradictions of Thomas Jefferson, for example. Stannard's treatment of Jefferson is illustrative of how he transforms the national policy of the United States into genocide. He quotes Jefferson at his most bloodthirsty, and he compares Jefferson to Hitler, suggesting that if Jefferson's words had "been enunciated by a German leader in 1939, and directed at European Jews, they would be engraved in modern memory." But Jefferson also urged the Delawares to "unite yourselves with us, join in our great councils, and form one people with us, and we shall all be Americans. You will mix with us by marriage. Your blood will run in our veins and will spread with us over this great island." This Stannard does not quote, for these are not sentiments typical of a "German leader in 1939." Indeed, Stannard denies that colonial Englishmen such as Jefferson ever hoped for the eventual assimilation of the Indians.

Over the last twenty years or so, the vast bulk of scholarly literature on Indian policy in the United States has been willing to grant policy-makers their share of good intentions. The so-called "Friends of the Indian" were not Indian haters. They made and administered Indian policy and denounced the same

atrocities that Stannard denounces. To be sure, good intentions are famous for paving a certain road: historians have also been willing to recognize that, as Bernard Sheehan has written in his study of Jeffersonian policy, "the white man's sympathy was more deadly than his animosity. Philanthropy has in mind the disappearance of an entire race." To this day, policies that will strip Indians of rights and land are proffered in the name of making them equal. And yet failed policies and unanticipated consequences are not the same as crimes against humanity.

Stannard's tendentious history has the curious consequence of slighting the very people whose losses so stir him. To make the whole long sustained conquest of the Americas essentially genocidal, he writes quintessential victim history. Because Indians are useful to Stannard's argument as evidence of our sins, they end up in his account *only* as victims of our sins. They were, of course, much more than that; and their larger historical significance is precisely what is invis-

ble in this book. Indeed, Stannard's selectivity in detailing his slaughters masks, for example, the sizable and complicated role Indians played in North America in the seventeenth, eighteenth, and early nineteenth centuries.

Thus this book ends with an odd and caricatured vision of the Indians. They are, Stannard writes, a people of the past, concerned largely with retaining "ancient and cherished cultural traditions and lifeways," and maintaining tribal sovereignty. But if there have been four centuries of genocide and death rates greater than 99 percent, what traditions could possibly remain? And by what oversight has a centuries-long campaign of genocide left any tribal sovereignty intact? There would seem to be more of a history here, after all; but the righteous and merely outraged historian is not the one to notice it.

RICHARD WHITE is the author most recently of *"It's Your Misfortune and None of My Own": A History of the American West* (University of Oklahoma Press).

There is, of course, an important difference. Vasari saw himself at the end of a tremendous pulse of creativity and discovery, culminating in the work of his great contemporaries, beyond whom it struck him as impossible to advance. Motherwell felt himself in on the beginning of something, the subsequent history of which was impossible to project, but which impressed him as a movement as filled with promise as the Renaissance had been. Motherwell, moreover, actively intervened in the shape of the new art; his use of automatism, for example, played a central role in constituting what was distinctive of the New York School (the label was Motherwell's). Vasari merely systemized what was handed down to him in *The Three Arts of Design: Architectural, Pictorial and Sculptural*, which was usually bound in with the *Lives* and defined the curriculum of the Accademia. Motherwell was almost certainly a better painter than Vasari. Indeed, he was a great artist, if a lesser architect, though his collaboration with Pierre Chareau resulted in what is widely acknowledged to have been the first modern dwelling on Long Island.

Renaissance Man

BY ARTHUR C. DANTO

The Collected Writings of Robert Motherwell edited by Stephanie Terenzio

(Oxford University Press, 325 pp., \$39.95)

More than any artist since Vasari, I think, Robert Motherwell undertook to situate the art movement in which he participated in the larger structures of history. He played a triple role, as thinker, as maker and as intermediary, in the transformation of modernism that took place in New York in the 1940s and '50s. Both artists found themselves in the company of daunting contemporaries: Michelangelo, Leonardo, Raphael and Titian in the case of Vasari; Pollock, De Kooning, Rothko and Kline in the case of Motherwell. Both felt it imperative to relate the work of these masters to the art of their true predecessors: Giotto, Masaccio and Piero; Matisse, Miró, Kandinsky, Mondrian and the surrealists. Vasari's *Lives of the Most Excellent Painters, Sculptors and Architects* connected present and past in precisely the way that was achieved by Motherwell's inestimably useful *Documents of Modern Art*, which assembled and translated texts that bore on the creative life and work of

the towering moderns, including their own writings.

I have the most vivid recollection of reading, as a student, Apollinaire's *The Cubist Painters: Aesthetic Meditations 1913*, which was the first volume in Motherwell's series, in a sunny corner of the Detroit Public Library. It was an experience that opened up modernism for me; and I have met any number of others who were reached by these texts in whatever provincial corner they lived. Both our artists found in education and in publication a vehicle for the dissemination of new ideas: Vasari inaugurated the Accademia del Disegno in 1563, between the first edition of the *Lives* in 1550 and the second edition of 1568; and Motherwell, before he became a professor at Hunter College, began, with William Baziotis, David Hare, and Mark Rothko, "Subjects of the Artist," a school as far from the academic as can be imagined, in which students were treated as collaborators in a common artistic investigation.

And there is another difference. Nothing that Motherwell wrote is comparable to the majestic *Lives of the Painters*, one of the greatest historical visions of any age. For all his literary energy, Motherwell was a grudging writer: "I have written hundreds of thousands of words during my life," he wrote in a letter to an editor in 1983, "though I loathe the act of writing, its lack of physicality and sensuality; I think what you are asking for could be *collaged* if there were world enough and time." Vasari, after all a Renaissance man, did not have the fact that he was a writer held against him, but Motherwell's reputation suffered from the perception that he was literary.

He lived at a moment in which artists were widely felt to be "redskins" (to use Phillip Rahv's famous term) if they were genuine. They were expected to be wild, moody, tempestuous, dumb—a stereotype that fit Pollock more than anyone at the time, but that was felt to be typical. And so Motherwell was defensive about being an intellectual: "I resent the invidious implications of the word in American society." In a lecture in 1947 he remarked on "the belief that an artist must be a feeling imbecile or probably is not an artist." Still, he goes on to say that "I do not regret my innocence in supposing the artist might be something of a scholar and a gentleman. The Chinese have thought it necessary."

In that same year he wrote in evident self-justification to his dealer, Sam Kootz,

that "my editing is my hobby, a way of dealing with minds that interest me, in the same way that Baziotes likes to talk with people in bars, and I don't see why that should bother you." Kootz felt that it was bad for sales, and certainly for his reputation, that Motherwell should be known for having a brain. I must have shared some of these reservations, for I remember being knocked off my horse by one of the great *Elegies for the Spanish Republic*, surprised by the evidence of real art, saying to myself, in effect, Motherwell is an astonishing painter after all!

This collection of Motherwell's writings—which could itself be a volume in the *Documents of 20th Century Art*, a second series that the artist edited—even contains, in a scattered way, a subset of pieces that could count as a "Lives of the Most Excellent Painters," since Motherwell wrote insightfully and often movingly about the artists with whom his own life became intertwined during the great period of American painting when, all at once, New York became the center and crucible of modernism. Motherwell had come down from Harvard, where he was enrolled in the graduate department of philosophy, to work with Meyer Schapiro at Columbia. Between times he had spent a year in France, working on a thesis on the journals of Eugene Delacroix. The decision to work with Schapiro made good sense in terms of this project, and also because the resolution to pursue a career in painting was beginning to assert itself and Schapiro was exactly the right person to encourage this decision.

Schapiro introduced him to Kurt Seligman, with whom he studied printmaking, and through Seligman, a refugee surrealist, Motherwell met the entire band of surrealists displaced in New York because of the war. Since he knew some French (the surrealists evidently refused to learn English), he more or less served as the middleman between these exotic figures and an American culture in which they never felt altogether at home. It was this sustained exposure that was to give a direction to his life, his art, and his thought. The crucial figure was the Chilean painter Roberto Matta, through whom Motherwell became a deep believer in automatism—a technique of spontaneous drawing that was the artistic analogue to free-association as a means of gaining access to the unconscious, exalted as the source of creativity.

It was at Matta's urging that Motherwell undertook to enlist the interest of local artists, although, as he later said, he did not know many Americans, his

milieu in New York having been almost entirely European. In fact, his one American contact, William Baziotes, felt that there were very few American artists really interested in modernism; the bulk of them, caught up in the ideology of the WPA, were involved in art as a sort of political arm. In the end Baziotes singled out Pollock and De Kooning, as well as two or three others who have since dropped from sight. The idea was that Motherwell would explain to these recruits the philosophy and the technology of automatism, and then perhaps some collaborative exhibition might result—I imagine the social organization of the surrealists must have served as model—through which everyone in the "movement" would become known.

Motherwell frequently said that he thought the movement known as abstract expressionism might better have been called abstract surrealism, and I am convinced he was right. It has more and more seemed to me that New York painting was the product of School of Paris forms and surrealist principles of creativity. In Europe the two would never have had the kind of interaction that was possible in New York, and their fusion was in large measure the achievement of Motherwell. In 1967 he said:

What, in my opinion, happened in American painting after the war had its origins in automatism that was assimilated to the particular New York situation—that is, the surrealist tone and literary qualities were dropped, and the doodle transformed into something plastic, mysterious and sublime. No Parisian is a sublime painter, nor a monumental one, not even Miró.

This is as close as anything I have come across to an epitome of the great art of New York in the '40s and '50s, and to an explanation of the miracle that transformed Pollock from a disciple of Thomas Hart Benton and a student of Hans Hoffman into someone whose work was, to cite the quality aspired to increasingly by New York artists, sublime. (Sublimity became a goal as well for the great California masters of light in later decades, Robert Irwin and James Turrell; and it is perhaps because an artist like Anselm Kiefer is perceived as sublime that he has had such a following in America, though not in Germany, where sublimity, despite its Kantian pedigree, is probably too romantic for postwar German taste.) At his best, as in the *Spanish Elegies* (he had executed about 140 of them by 1990), Motherwell's work was situated on the cusp between beauty and sublimity. It was characteristic of his modesty that he continued to think of his art as transfigured "doodles."

In the years of its dazzling ascent, New York art was tirelessly explained by Motherwell, who, because he was by nature an intellectual and a clear-headed thinker, took upon himself the tasks that others gratefully relinquished to him. Much of the writing from before the '60s was solicited, and I am prepared to believe that, but for his overall sense of responsibility, Motherwell might never have written anything on his own initiative: that he really would have preferred to have been simply a painter. What he perhaps failed to appreciate was the extent to which what he wrote helped form him as a painter: for the writings formulated the theory that the paintings—his and those



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of the other abstract expressionists—embodied. Abstract surrealism (to give him his term) was not merely a set of works, it was also a set of ideas given embodiment in those works, and there can be no answer to the question what would the works have been or looked like had those ideas not been articulated. It is possible to imagine the movement without one or another of the masters: abstract expressionism without Rothko would have been impoverished, but it would have otherwise been much as we know it. This cannot be said of Motherwell. We can imagine the movement without his works, but not without him, for the mind of abstract expressionism was his creation.

After the early '60s, when the movement had played itself out and been replaced by forms of artistic expression that Motherwell did not seem to understand or have much sympathy for ("I'm glad to see the young painters enjoying themselves, which the pop artists obviously are"), the tone of his writings becomes less explicative and more reminiscing. Motherwell continued to paint as if the movement to which he belonged were still alive (as in a sense it was, in his painting), but his writings were more and more in response to questions of what it was like in the recent past, in the years that were increasingly perceived as epic, and in particular what the heroes of those years were like.

It is to these promptings that we owe the marvelous, recollective *vite* that are the really priceless features of this always fascinating book. The details are what one cherishes. It is recorded, for example, that Mondrian adored dancing, and I have often wished that there were, by some miracle, some footage of the improbable Dutchman stamping at Roseland. (In fact he danced with Motherwell's first wife, a Mexican actress, and it is disappointing to read that "as I remember, he danced very stiffly and awkwardly and seriously.") Similarly I have read nothing about Joseph Cornell that matches Motherwell's portrait. "When he talked, he always stared at the floor, never at

the person to whom he was speaking, and his monologs were like endless labyrinths, and one longed, at times, after, say, half an hour, to know the central topic of the conversation, and one almost never found the center." Here, almost in tribute to his subject, Motherwell has slipped into a kind of Proustian cadence, which would have been taken as a compliment by Cornell, who was an *amateur* of French literature and who, though "he had never been outside of New York state . . . yet gave the impression of knowing Paris better than Baron

Picasso, the strength and sensuousness of materials themselves, and a certain 'primitive' directness."

It was because he was an emblem and an authority, as much as because he was a master, that the world beat a path to the artist's home and studio in Greenwich, Connecticut. I was among the pilgrims. We met as the result of a piece I wrote in response to his retrospective at the Guggenheim Museum in 1985. We shared interests in painting and in philosophy, but we also liked to talk about the things of life, and I especially cherished

those moments when his conversation would shift into the recollective mode, and he would talk about figures who were vivid to him but legends to me: Breton, Duchamp, Pollock, Peggy Guggenheim, Mondrian. We held two public conversations, in front of audiences, in which I saw it as my role to elicit from him as much confessional recollection as possible; and I value the present volume for making so much of that extraordinary fund of experience available.

I loved Motherwell's paintings, of course, and some of our happiest times together were spent talking about work that he had recently finished and had leaned against the long wall of his studio to contemplate and to study before it went off to collectors or to distant exhibitions. These were not public occasions, and it is no criticism of this book to complain that there is not in it as much as one

would have liked of Motherwell on Motherwells, about which he often talked, intimately and penetratingly, in that marvelous space in which he made them. What is here is wonderfully direct, and for those of us who knew him, the voice—Motherwell spoke in a flat, slow, uninflected growl—is audible and profoundly moving. He wrote the way he talked.

ARTHUR C. DANTO is the art critic for *The Nation* and the author most recently of *Beyond the Brillo Box: The Visual Arts in Post-Historical Perspective* (Farrar, Straus & Giroux).



ROBERT MOTHERWELL BY VINT LAWRENCE FOR THE NEW REPUBLIC

Haussman, so to speak."

And there is a wonderful portrait of the sculptor David Smith showing up at a house that Motherwell shared with his third wife, Helen Frankenthaler, with "a side of young bear he had shot on his farm at Bolton Landing, Lake George." This essay is a self-portrait as well, for in revealing the tastes and the spirit of Smith, Motherwell reveals his own: "Quite independently, we had come to roughly the same conclusions about aesthetic sources of our inspiration, which, in ABC terms, might be put as any art before the fourth century B.C., cubism-cum-surrealism, James Joyce, Stravinsky,

The Man Who Would Be Mayor

BY WILLIAM E. LEUCHTENBURG

The Rascal King: The Life and Times of James Michael Curley by Jack Beatty

(Addison-Wesley, 571 pp., \$25)

In 1958 Spencer Tracy warmed the hearts of movie audiences all over America with his portrayal of the aging politician Frank Skeffington in *The Last Hurrah*. "Skeffington," informed viewers understood, was in reality James Michael Curley, the four-time mayor of Boston, a city that he mesmerized for more than half a century. It was Jack Beatty's unenviable task to get Spencer Tracy to stand aside, to erase our memory of the heroic Skeffington, and to restore the historic Curley. In this rousing, entertaining, marvelously well-written biography, Beatty carries off the assignment splendidly.

Beatty makes clear that James Michael Curley was no Frank Skeffington, not least because he was a grafter of Brobdignagian dimensions. In 1874, the year Curley was born, the dome of the Statehouse was coated in gilt, and Curley spent a lifetime trying to peel it off. Twice he was sent to prison for fraud, Beatty reports, "at either end of his career, a parenthesis of disgrace." Thanks to kickbacks from contractors and other sources, he acquired an imposing Georgian mansion of some twenty-one rooms with a "baronial" hall, "twenty-eight carved mahogany doors... Italian marble fireplaces... gold-plated fixtures," a "massive two-story bronze chandelier... taken from the Austro-Hungarian Embassy in Washington" and a "breathhtaking three-story spiral staircase." His household staff included a chauffeur, cook, gardener, upstairs maid and parlor maid, as well as a governess and a social secretary. When he traveled abroad he stopped at the Savoy in London, the Ritz in Paris, the Shelburne in Dublin and the Excelsior in Rome. To support this lavish style, Beatty observes, "He spent hundreds of thousands of dollars, much of which he did not earn but took, indirectly, from the working- and lower-middle-class taxpayers."

Curley gained and maintained power, as Beatty points out, not least because he was a bare-fisted brawler who resorted to

chicanery and intimidation. In 1913 he set his eyes on becoming mayor of Boston. On learning that the incumbent, John F. Fitzgerald (John Fitzgerald Kennedy's grandfather), had been carrying on with a cigarette girl with the suggestive moniker of "Toodles," Curley did not hesitate to use blackmail. The mayor's wife received a letter warning of a public scandal if Honey Fitz did not step down, and Curley punctuated that message by announcing he was preparing a lecture, "Great Lovers in History: From Cleopatra to Toodles." On the very next day, Fitzgerald withdrew. In the ensuing race in 1914, Curley disposed of a formidable opponent with brazen lies and strong-armed methods. When his rival held a rally at Faneuil Hall, two carloads of Curley bully boys drove women from their seats by their foul mouths. Thanks to such scurvy techniques, Curley triumphed.

Curley won office, too, by exploiting the "clotted resentments" of the Irish against the Protestant gentry, a bitterness that went back to his grandfather's day. He delighted his followers by sneering at "the Back Bay, where they have kitchenettes, dogs and no children," a not very subtle reminder that the Irish were beating out the blue bloods in the population race. Some of these comments, Beatty acknowledges, served a function. By defying the politics of social deference, Curley articulated well-founded grievances. Beatty finds a pertinent parallel in the words of an Argentinean: "Before Perón I was poor and I was nobody; now I am only poor." But he also recognizes that Curley's kind of demagoguery carried a high cost, giving the Boston Irish "the sullen psychology of an aggrieved minority long after they had become a majority."

Once, after hearing an address at the Boston City Club, Curley rejoined, "A strange and stupid race, the Anglo-Saxon." He recalled "the halcyon days when the traders in rum, salt cod and slaves were... engaged with the New England Genealogical Society in fabricating family histories," and ended by

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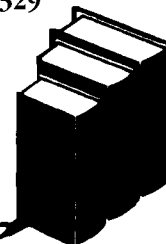
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After every war
someone's got to tidy up.
Things won't pick
themselves up, after all.

Someone's got to shove
the rubble to the roadsides
so the carts loaded with corpses
can get by.

Someone's got to trudge
through sludge and ashes,
through the sofa springs,
the shards of glass,
the bloody rags.

Someone's got to lug the post
to prop the wall,
someone's got to glaze the window,
set the door in its frame.

No sound bites, no photo opportunities
and it takes years.
All the cameras have gone
to other wars.

The bridges need to be rebuilt,
the railroad stations, too.
Shirt sleeves will be rolled
to shreds.

Someone, broom in hand,
still remembers how it was.
Someone else listens, nodding
his unshattered head.
But others are bound to be bustling nearby
who'll find all that
a little boring.

From time to time someone still must
dig up a rusted argument
from underneath a bush
and haul it off to the dump.

Those who knew
what this was all about
must make way for those
who know little.
And less than that.
And at last nothing less
than nothing.

Someone's got to lie there
in the grass that covers up
the causes and effects
with a cornstalk in his teeth,
gawking at clouds.

WISLAWA SZYMBORSKA

*translated from the Polish by Stanislaw Baranczak
and Clare Cavanagh*

denouncing good government reformers as "old gentlemen with disordered livers, . . . gabbing spinsters and dog-raising matrons in federation assembled." Choice invective, no doubt, and not altogether unearned. But as Beatty comments, "In a pluralist society there is always plenty of intergroup tension to go around. When politicians exploit that tension or inflame it they poison the common well."

If Beatty refuses to accept the Skeffington persona, though, he is no more willing to endorse the view of Curley that has been handed down to us by the clubs that John P. Marquand's characters frequented. The *Boston Evening Transcript*, that organ of the gentility that E. E. Cummings giped at, called Curley "as clear an embodiment of civic evil as ever paraded before the electorate," and Beacon Hill perceived him, in Beatty's words, as "a revenge inflicted on them by the Irish for the cruelty and callousness and reproductive funk of their ancestors." Beatty understands, however, that some measure of revenge was only to be expected, and he asks what hope the dispossessed of the city could find in the cold mutton sincerity of the Mugwumps. "Civil service reform was one of the rare passions of the Boston Protestant elite," he writes dryly, "and Curley's likely voters knew that."

Beatty does not deny that Curley was a thief, but he argues that "the chance to get rich from public office gave Curley an incentive to deliver on his promises so that he could be returned to office to get richer," whereas his

opponents, honest to the marrow, offered unadventurous government with pared-down public services. As Charles H. Trout has pointed out in his excellent *Boston: The Great Depression and the New Deal*, "Even his enemies conceded that though Curley was expensive, he got things done." Curley's mother, Beatty writes, "had been a scrub-woman—had scuttled like a crab over the implacable floors of the Immaculate Conception Church in the South End," and Boston never forgot that it was Curley, remembering the callused legs of his mother, who got the "matrons," as they were renamed for greater dignity, long-handled mops so that they would never again have to go down on their knees.

In Curley's free-handed administrations, Boston spent millions on new schools, raised the wages of low-paid employees, tore down thousands of slum dwellings, laid out beaches and parks and added a gynecological and obstetrics wing to City Hospital, multiplying the number of maternity beds fivefold. Late in his career, Curley could claim:

Where I found a muddy lane, I left a broad highway; where I found a barren waste, I left a hospital; where I found a disease-breeding row of tenement houses, I left a health center; where I found a vacant lot, I left a magnificent temple of learning; where I found a weed-grown field, I left a playground; throughout life, wherever I have found a thistle, I endeavored to replace it with a rose.

That statement is a fair example of the oratorical style—elegant if more than a little overripe—that leads Beatty to believe that, quite apart from his deeds, "Boss" Curley was no ordinary urban pol. Indeed, he was not. Some forty years ago I stumbled upon a rally in Springfield, Massachusetts, at which Curley was slated to speak. Expecting something resembling the Hell's Kitchen accents of my mother (née Lauretta Cecilia McNamara in County Limerick), I was stunned to hear instead Oxonian diction and concert hall intonation. The foremost drama critic in Boston said that in a career stretching over decades, he knew of only two people who could match Curley in vocal technique, Tallulah Bankhead and Laurence Olivier.

Initially a poor speaker, Curley tutored himself in the public library by perusing the orations of Burke, Disraeli and Gladstone, and steeping himself in literature. His love of the classics was no pose. He knew *David Copperfield* well enough to demean one opponent as a "Micawber," and when his first wife was

dying he read Dickens to her. After an election setback, he consoled himself with *Plutarch's Lives*. From his cell in Danbury prison, he wrote, "I am communing daily with Hugo, Shakespeare and Ralph Waldo Emerson so I am in good company as well as bad."

This combination of talents and accomplishments attracted an intensely loyal following. A popular ballad, "Vote Early and Often for Curley," boasted: "He'll talk with his fists in a South Boston bar, / And the very next evening, it's no trick at all, / He'll lecture on Browning at Symphony Hall." With the uncritical admiration of tens of thousands in three-decker abodes far removed from Louisburg Square, he climbed steadily upward. On the eve of his inauguration at the Statehouse in January 1935, Curley received a large floral piece, "Success Ladder," with a rung labeled for each of the offices he had held, in ascending order: common councilman, representative, alderman, city councilman, congressman, mayor, now governor. After he was jailed the first time in 1904 for impersonating an applicant on a civil service exam, he got more votes than he had a year earlier. A generation later, when he stepped off a train at South Station in 1946 after being sentenced to the federal penitentiary for his role in a scam, he found "a sea of white fedoras" there to greet him and a band playing "Hail the Conquering Hero."

Up to a point, Beatty does not find these never-failing cries of "Oh you, Jim!" dismaying. Curley had stolen, sure, but he had also used power to provide help: "A job for a man down on his luck, ... a solarium on the beach at South Boston, the dollar bill slipped to the wino, with no temperance lecture attached—by such actions, at least partially, he wiped the moral slate clean." But in the Great Depression, Beatty declares, Curley faltered badly. Instead of striving to speed relief to the multitudes who were destitute, the "Mayor of the Poor" insisted on rake-offs before people got help, and when he should have been on the job getting unfortunates through a bitter winter, he was off cruising in the Caribbean. That failure "counts more heavily against him than all his graft and his ethnic and religious polarizing," Beatty concludes.

"It shouldn't have happened," Beatty writes of Curley's election as governor in 1934. "For his own sake, Curley should have lost. No amount of scandal had sufficed to dispel his reputation for competence as mayor of Boston. Curley built Boston, he got things done." But his term in the Statehouse was a disaster. He did get legislation

favorable to working people passed, but his self-seeking had become brazen. When he wintered in Florida, Massachusetts state troopers served as his caddies. And, as the years went by, his *folie de grandeur* grew worse. At the height of Mussolini's invasion of Ethiopia, Curley gave the fascist salute. If bankers resisted the New Deal, he said, they ought to be dealt with by the methods associated with the "great Italian leader" who had done so well: doses of castor oil, and if that regimen did not work, maybe their arms could be broken.

Governor Curley fired competent officials and named in their place, in the words of a well-respected political reporter of the time, the "cheapest political heelers that ever shined their trousers in the seat of public office in Massachusetts." He appointed as director of the agency that supervised the purity of milk a man who had been fined for marketing adulterated milk, and he chose as an auditor a man who had done time for forging U.S. Treasury checks. His Parole Board, Beatty notes, rapidly freed "seven murderers serving life sentences, five men serving twenty years each for manslaughter and five gunmen serving long terms for armed robbery," with some of the bribes paid by these thugs for their

release going into Curley's pockets.

Despite this deplorable performance, Curley continued to offer himself for high office, and, over the next decade, with considerable success. In 1942 he won a seat in Congress, where he had earlier served from 1911 to 1914, and in 1944 he was returned to Washington, although he had been indicted for fraud in 1943. Neither his wretched behavior as governor nor his dishonesty dissuaded Boston's voters from electing him mayor a fourth time in 1946 (he held that post at intervals over a thirty-six-year period) by the largest margin in the city's history.

But he would never win again. "Municipal government under Curley had become a bloated bureaucracy," Mark Gelfand has pointed out in a perceptive essay, and, in addition, there was a breakdown in services. Curley took pride in what he had done for City Hospital, but after he made it a refuge for his toadies, death rates soared and twenty-two nursing schools disaffiliated with it.

Curley has been categorized as "the last of the bosses," but he was actually, Beatty contends, "the first of a new political breed." He adds: "Thus while Curley would perpetuate the nineteenth-century forms of campaigning,

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his type of politician paved the way for the issueless desert of today's television campaigns." In an age of party breakdown, he was an entrepreneur for "the party of 'me.'" Historians are unlikely to embrace these conclusions. Curley was hardly the first candidate to make himself the issue, and party loyalty, though not as tenacious as it had been in the nineteenth century, was much stronger in Curley's heyday than it has since become. Furthermore, the reference to television reveals a present-mindedness that flaws this otherwise excellent book. Beatty's countless allusions to everyone from Barbara Bush to Michael Deaver are anachronistic and distracting. Yet occasionally they are telling, as when he writes that Curley "possessed something of the ethnic immunity so long enjoyed by Marion Barry." And Beatty is surely right when he says sagely: "Candidates who make themselves the issue distract voters from the real issues. They render politics at once interesting and empty."

In 1955, at age 81, Curley campaigned for mayor for a tenth time, but he had fallen on hard days. After receiving the cheers of a throng, he responded, "If they love me, why won't the sons-of-bitches vote for me?" His health was going, and, out of office, he could no longer replenish his funds by mulcting the city. The man who had once been governor of the Bay State was reduced to serving as a shill at commercial fairs. Beatty relates that "he would stand in a five-by-eight-foot booth wearing his black alpaca wool coat with the velvet collar and his gray wide-brimmed Borsalino and act as a draw for ... refrigerator equipment."

Then something unexpected happened to him. He emerged as Frank

Skeffington, the protagonist of Edwin O'Connor's well-wrought novel, *The Last Hurrah*, which appeared in 1956. Curley could not have been more pleased. "Skeffington began to possess him," Beatty notes. When Curley met O'Connor outside the Parker House, he told him that he especially liked "the part where I die." Curley's sensibility was acute, for when, in the film version, Skeffington died, there was not a dry eye in the house. Since the character was Irish, it was fitting that the scene was milked for all it was worth by another Irishman, a director who, Beatty tells us, hailed from Portland, Maine, not many miles from Curley's Boston. Born John Martin Feeney, the director had long since won fame under his Hollywood alias, John Ford.

In his death on celluloid and in his actual death not long afterward, Curley was transfigured. Spencer Tracy was, as Beatty says, "irresistible," and "people came away from *The Last Hurrah* loving Skeffington and mourning ... the end of an era. Curley may not have gone to heaven, but in his last months he attained something like the secular equivalent of eternal life." *The Christian Science Monitor* called his wake and funeral "a spectacle unparalleled in the Bay State's 300-year history." One hundred thousand people paid him their last respects as he lay in state, a million people lined the sidewalks to watch his final passage through the streets of a town to which, Beatty writes, "he had given life and laughter, sorrow and scandal, for over fifty years."

This last set of events, Beatty concludes, "took him out of the history we have been trying to return him to and made him available to myth." That was arguably much more than he deserved. To be sure, he left Boston a valuable legacy—not just brick and mortar but also the memory of someone who, in Beatty's words, "had the name of a caring man ... in a time and place when caring was not to be had in other quarters." He was also an icon for Irish-Americans, struggling for "recognition." To them, Beatty writes, "he was a political and cultural hero, an axial figure in their annals." Yet as Jack Beatty's fine book reveals, James Michael Curley was also a rogue whose real concern was, first and always, himself, and a man, in an era of mighty political and cultural changes, of limited vision and mean ambition. The city of Boston, and his faithful Irish constituents, deserved better.

WILLIAM E. LEUCHTENBURG's *In the Shadow of FDR: From Harry Truman to Bill Clinton* will be published this summer by Cornell University Press.

TRB continued from page 6

the mind. Can anyone honestly suppose that the imbalance of power between the prosecutor and Caspar Weinberger is greater than that facing the ordinary criminal defendant?

True, the best lawyers can be crushingly costly. But like any other defendant, Weinberger had the option of asking for a public defender. Or of copping a misdemeanor plea. Outrageous? That's the system, fella. Unless you're a pal of the president, that is.

The Iran-contra defendants had advantages the typical defendant could never dream of, including an executive branch eager to thwart the prosecution at every turn. Two charges against North had to be dropped when the White House conveniently refused to allow public use of secret documents North claimed he needed for his defense.

The main reason Walsh's investigation has taken six years is that the very people complaining loudest about the delay have put the most roadblocks in his path. From Ollie North's original "shredding party" to Weinberger's and Bush's concealment of their notes, the players have done everything they could to prevent the mystery from unraveling.

Weinberger's actions and statements may or may not have been worth prosecuting. But it's beyond doubt that he tried to mislead Congress and the prosecutors in order to protect Reagan and Bush, and to hide the degree of his own acquiescence in a policy he disapproved of.

I had forgotten the delights of Weinberger's slippery technique. On the "Today" show the other morning, Bryant Gumbel asked him how he could have told Congress he had no knowledge of the shipment of Hawk missiles to Iran, when his notes showed that Robert McFarlane had briefed him on these shipments. Weinberger's retort: "The notes reflected what I'd been told. They don't reflect what credence I gave to it." Since he chose not to believe McFarlane, he felt free to tell Congress he had "no knowledge" of the shipments.

That might have gotten him off the hook of criminal guilt "beyond a reasonable doubt." But it's clear what game he was playing, and the game is contemptible.

With this pardon, Bush puts himself and Weinberger at the center of the Iran-contra scandal in a way they never were in the events themselves. To take his mind off that irony, and to pursue his new appreciation of this country's unfairness to criminal defendants, perhaps Weinberger should do a little volunteer work for the ACLU.

MICHAEL KINSLEY

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Troops

"I TOOK THIS JOB SO I COULD sleep at night," says Kathy Shenkle. I find this a bit surprising, since Shenkle works as a junior historian at Arlington National Cemetery and is surrounded every day by the graves of 215,000 soldiers. But then, as she says, her other choice at the time she took the job three years ago was doing p.r. for SDI. Kathy is my tour guide at Arlington, where my father has a marker. A Naval squadron commander, his EA-6B Prowler radar-jamming jet was lost on a routine training mission in the Persian Gulf during the opening days of the Iranian hostage crisis. I was 13. I'm now 26. Half a life with a father, half a life without. Mindful of my chronological symmetry, I made a visit to the stone placed in his memory.

THE CEMETERY ITSELF TEETERS precariously between sanctity and parody. The narrated bus tour motors through the grounds at fifteen miles an hour, precisely the speed at which the names on the marble headstones become unreadable. "On your left," says the guide, "you will see the grave of Audie Murphy, America's most decorated World War II veteran, who went on to a successful Hollywood career, including a starring role in Stephen Crane's *The Red Badge of Courage*." The tour ends at a souvenir stand that sells postcards and books with titles like *Screams of Eagles: The Creation of "Top Gun"* and *the U.S. Air Victory in Vietnam* and *No Name on the Bullet*. Of course, it's unlikely that the shop would find many takers for Michael Walzer's *Just and Unjust Wars*, but the trafficking in pulp accounts of battles only steps away from the graves of their participants seems in bad taste.

A CONTROVERSY IS STIRRING IN the literary world over a new edition of Proust's *Remembrance of Things Past*, which is being released under the more faithful title *In Search of Lost Time*. I like it better. Not only does it replace the pretentious clunkiness of the original, it suggests with greater precision what it is we do when we dredge our memories: seek out what has disappeared and attempt to make it real again. In that spirit, I headed up to the Naval Academy on a Football Saturday a few weeks ago to see my dad's

alma mater play. Walking around the immense Bancroft Hall, I searched the eyes of cadets younger than I am for a glimpse of a man who walked these grounds some thirty years ago. Bancroft Hall dwarfs the academy grounds, serving as living quarters and dining room for midshipmen and a secular cathedral of Navy mythology for visitors. Among the pictures of famous Annapolis graduates that line the hallway is a smiling twentysomething Ross Perot. A short bio under the picture recalls Perot's love of the academy and details his business success. Upstairs, a charcoal drawing of James Stockdale is displayed with his heroic plea to fellow Vietnam POWs, "Sign nothing."

The decorated decorate every corridor, every wall, every surface at the Naval Academy. Even Navy Stadium, which is rather ordinary, much like collegiate stadiums across the country, is chiseled with the memory of war. Across the front of the stands are written the names of all the major battles the Navy and Marine Corps have fought during this century: from Belleau Wood to Guadalcanal to Danang to Desert Storm. There's room on the wall for a few more.

DRIFTING OUT OF BANCROFT HALL toward gorgeous Annapolis Bay after the game (Navy lost), I took the paths that I remembered from dim childhood stories of my father's college pranks, of his demerits for eating a cookie in class, of my mother sitting beneath the academy's immense oaks watching him march off those demerits. Standing there, the stories came to life. Yet the sense I experienced was not Proustian delight, but George Carlin's *vujà dé*, the feeling that I had never been there, never experienced anything like it before.

THE TOWN IN WHICH I SPENT much of my childhood was idyllically named Oak Harbor. Located on Whidbey Island in the state of Washington, cheerfully pegged by village boosters as the "second largest island in the continental United States," Oak Harbor in the '70s was a last outpost of small-town America: pre-McDonald's, pre-Cineplex Odeon. It was filled with catechism classes, Nerf football games, *Seattle Times* paper routes, and Sunday Mass. The memories I have of my father aren't any different from those of most young kids—going for ice cream in his white MG, skiing in the Cascades, helping me learn my prayers. An uncomplicated man, he treated everyone with a reassuring kindness and sense of peace acquired from his devout Catholic faith.

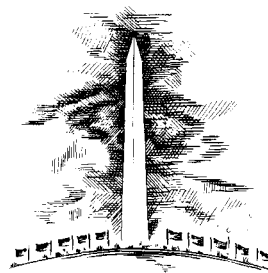
WHAT RELIEVED OAK HARBOR OF its pristine simplicity was the town's main feature: the screaming light bombers and radar jamming jets that ceaselessly crisscrossed the skies. They came from Whidbey Island Naval Air Station, where my father and the fathers of many of my friends worked. Our dads were gone six to eight months out of the year. Among the children of pilots, the threat of death was always tacitly present. When I was in third grade, the plane of my best friend's father skidded off a carrier; he was miraculously rescued. Another friend's father wasn't so lucky. The stark clash between Rock-

wellian Americana and constant fear seems heart-breakingly cruel now: I was at a roller rink when I found out my father had been killed. Looking back, I find it harder and harder to believe what passed for "normal" when I was kid. As a teen, I was darkly jealous of kids whose fathers had died in

combat in Vietnam. At least, I thought, they had died for *something*. It's much harder to explain to friends that your father was killed as part of a "show of strength." The sight of troops being deployed to Somalia conjures up similar thoughts. What will the children of the American dead tell their friends? At the least, they'll be able to answer, "He was saving lives," a claim very few sailors' and soldiers' sons and daughters can make.

AFTER TOURING ARLINGTON'S memorials to presidents, presidential candidates, Confederate war veterans and the *Challenger* victims, I say goodbye to Shenkle and walk to a marker locator service in the front office. I write down my father's name on a slip of paper and hand it to the matronly woman behind the counter. After a whir of microfilm, she hands me a map marked Memorial Section I, #99. I follow the path up the Arlington hills, passing a flag-draped coffin, mounted soldiers and a riderless horse. A woman points out a stone to her little son and tries to explain to the restless child about the Marines, Uncle Bobby and Vietnam. At my destination, I struggle up a muddy slope past stones covered with dirt, leaves and an occasional dead flower. In front of me is #99. Scraping off the grime and debris of thirteen years, I uncover a simple stone with a cross. Cdr. Peter Thomas Rodrick USN, Jan 6, 1943–November 28, 1979. I attempt a show of strength, then head back down the hill.

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